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SPEED LIMIT ISSUES

HEARING

BEFORE THE

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

OF THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

SECOND SESSION

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CONTENTS

OPENING STATEMENTS

Page

Burdick, Hon. Quentin N., U.S. Senator from the State of North Dakota 2
Lautenberg, Hon. Frank R., U.S. Senator from the State of New Jersey 12
Moynihan, Hon. Daniel Patrick, U.S. Senator from the State of New York 1
Pressler, Hon. Larry, U.S. Senator from the State of South Dakota 36
Reid, Hon. Harry, U.S. Senator from the State of Nevada 11
Stafford, Hon. Robert T., U.S. Senator from the State of Vermont 3
Symms, Hon. Steve, U.S. Senator from the State of Colorado 3

WITNESSES

Baxter, James J., president, Citizens for Rational Traffic Laws, Inc 60
  Written statement 255
  Responses to additional questions 261
D'Amato, Hon. Alfonse M., U.S. Senator from the State of New York 13
Deen, Thomas B., Executive Director, Transportation Board, National Research Council, accompanied by Stephen Godwin, Senior Program Officer 29
  Written statement 91
  Responses to additional questions 97
Gill, Matthew J. Jr., Director, Rhode Island Department of Transportation 55
Hannigan, Maurice J., Deputy Commissioner, California Highway Patrol 57
  Written statement 232
  Responses to additional questions 247
Hecht, Hon. Chic, U.S. Senator from the State of Nevada 17
Heinz, Hon. John, U.S. Senator from the State of Pennsylvania 20
Jasny, Henry, staff attorney, Center for Auto Safety 62
  Written statement 267
  Responses to additional questions 276
Mead, Kenneth M., Associate Director, General Accounting Office, accompanied by Frank Mulvey, Project Director 25
  Written statement 75
  Responses to additional questions 85
Morgan, Richard D., Executive Director, Federal Highway Administration, accompanied by Jeffrey Miller, Deputy Administrator, National Highway Traffic Safety Administration 32
  Written statement 102
  Study Plan to Determine the Safety of the 65 MPH Speed Limit 111
  Responses to additional questions 121, 171
O'Neill, Brian, president, Insurance Institute for Highway Safety 65
  Written statement 283
  Responses to additional questions 292
Spier, Eldon G., Director, Drivers License and Traffic Safety Division, North Dakota State Highway Department 41
  Responses to additional questions 223
  Letter to California Highway Patrol 301
White, Franklin E., Commissioner, New York Department of Transportation 38
  Written statement 214

ADDITIONAL MATERIAL

Statements:
  States of:
    Alaska 296
    Idaho 298
    Vermont 299
  American Insurance Association 305
  American Trucking Associations 312

SPEED LIMIT ISSUES

THURSDAY, FEBRUARY 25, 1988

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION,
AND INFRASTRUCTURE,
Washington, DC.

The subcommittee met at 2:03 p.m., in room SD–406, Dirksen Senate Office Building, Hon. Daniel Patrick Moynihan (chairman of the subcommittee) presiding.

Present: Sentors Moynihan, Burdick, Reid, Symms, Stafford, Durenberger, and Warner.

OPENING STATEMENT OF HON. DANIEL PATRICK MOYNIHAN, U.S. SENATOR FROM THE STATE OF NEW YORK

Senator MOYNIHAN. I wish a very good afternoon to our witnesses and guests and to my distinguished colleague, the Senator from New York, who will begin our testimony in just a moment. This is a meeting of the Subcommittee on Water Resources, Transportation, and Infrastructure. We are here to inquire into the condition, if you might want to put it that way, of the 55 mile an hour speed limit legislation which was enacted in 1974 under this committee, essentially, as highway safety legislation, which followed an earlier measure adopted in the aftermath of the OPEC oil embargo, which was designed as an energy conservation measure.

The embargo was lifted, but it appeared to some, in all events, that there had been consequences in terms of highway fatalities, and this Committee began work with the legislation still in place. We now find ourselves in the awkward situation of having increased the speed limit on rural interstate highways to 65 miles an hour in the legislation enacted early last year, the Surface Transportation Act of 1987. We are apparently in an anomylous situation in which States which would retain the 55 mile an hour speed limit are being asked to incur or are liable to incur penalties for exceeding that limit when their average speed in States that went to 65 miles an hour have no such prospect in view.

Clearly, there is something the matter with our legislation or the way we are administering, and we will find out more about that. But first I would like to address our distinguished Chairman who has joined us. He will have to be away for a little bit, and then he will return.

Mr. Chairman, would you like to make an opening statement?

OPENING STATEMENT OF HON. QUENTIN N. BURDICK, U.S. SENATOR FROM THE STATE OF NORTH DAKOTA

Senator BURDICK. Thank you, Mr. Chairman. Fourteen years ago, this Committee produced legislation that established a national maximum highway speed limit. The law was enacted for purposes of energy conservation.

Last year, I cosponsored, with Senator Symms, legislation to allow the States the option of raising the limit to 65 miles an hour on rural interstates. The decision was purely left up to the States, where legislators are mindful to the importance of highway safety as any of us in Washington.

So far, 38 States have enacted to increase their speed limits. An 1984 study by the Transportation Study Research Board, mandated by Congress, laid the groundwork for the eventful change. They noted that rural interstates represented about 6 percent of all road mileage posted at 55 and accounted for about 19 percent of all travel on 55 mile-an-hour roads.

Even though the average speed was higher than any other type of road, fatalities were only about 4 percent of total deaths of all roads and highways. The report concluded that.

> "The chief objection to the 55 mile-per-hour speed limit is that it sets the same standard for the highest quality interstate highway as for a narrow, two-lane rural road.

There must be an objective and careful review of the effects of the higher speed and the speed-related accident experience in each State than of the Nation as a whole.

Responsible safety experts said at the time the law was enacted in April of 1987 that a meaningful statistical analysis would take at least a year. It is disturbing to see that the use of preliminary, incomplete, and, in some respects, inaccurate data is used to bring the heat rather than the light to the public debate on this very serious issue.

As a North Dakotan, I am pleased to report a decline in fatalities on the State's highways from 1986 to 1987, the year the speed limit went up to 65. I don't think anybody in North Dakota believes that the higher speed led to fewer deaths, but our experience ought to give pause to those who automatically believe that 65 is unsafe.

One of the most important measures of highway safety is the number of fatalities per miles driven. Year after year, North Dakota ranks as one of the safest States, with one of the lowest fatality rates. Yet North Dakota is about to be cited for noncompliance with the 55 mile-per-hour requirement. There has been a piecemeal approach over the years to changing the compliance formula.

The primary aim has not been, as you might think, to improve highway safety, but rather to ensure that States are able to certify compliance to the Department of Transportation.

The tail is wagging the dog. Either we emphasize compliance factors that have a direct link to safety or the Federal Government should reconsider speed limit sanctions altogether. The way things stand now, a penalty is easily applied to a safety-minded State as to a State with a poor accident record.

Some of the most knowledgeable experts in the field will be appearing before the Subcommittee today. I am looking forward to their testimony on these important issues.

Senator **Moynihan**. Thank you, Mr. Chairman. Our distinguished and revered Chairman Emeritus has arrived, and we would like to hear from him.

OPENING STATEMENT OF HON. ROBERT T. STAFFORD, U.S. SENATOR FROM THE STATE OF VERMONT

Senator **Stafford**. Thank you very much, Mr. Chairman.

I am pleased to be here this afternoon to hear testimony from our witnesses on the speed limit issues. Personally, I have supported the 55 mile-per-hour speed limit ever since this Committee reported legislation to temporarily establish 55 as a conservation measure in response to the 1973 Arab oil embargo.

Undoubtedly, since that time, there are several factors that have contributed to the savings of lives and energy conservation. However, this Senator is convinced that the reduced speed limit has contributed significantly to saving lives and conserving fuel.

This past year, a majority of the Members in the House and Senate voted to allow the States to raise the speed limit up to 65 miles per hour on rural interstate highways. Many States have done so, including my own, but some have chosen not to.

In the making of this change, Congress did not require States to monitor or certify enforcement of the speed limit on those roads posted at 65 miles per hour. The certification process has been a difficult issue. Congress has reviewed this process several times since 1974, when the 55 mile-per-hour speed limit was first enacted, and has made changes in the program. It is difficult to find a process that fits unique circumstances in all 50 of our States.

I recognize that it is a difficult dilemma for States to have to choose between equally important highway safety activities when resources are limited. I believe it is very appropriate and timely for this Committee to review the certification process and other speed limit issues in view of changes which have been made in recent times.

So I look forward, Mr. Chairman, to joining with you and our other members of the Committee in listening to the witnesses today who have had experience in implementing and enforcing this law. I appreciate you scheduling this hearing.

Senator **Moynihan**. You are very thoughtful, sir. The Senator from Idaho, Mr. Symms.

OPENING STATEMENT OF HON. STEVE SYMMS, U.S. SENATOR FROM THE STATE OF IDAHO

Senator **Symms**. Thank you very much, Mr. Chairman. I want to welcome all the witnesses testifying this afternoon. I look forward to this hearing. I especially want to welcome our colleague from New York who is here to testify, and I would say to him, I will be as brief as I can so we can get to your testimony.

I have a couple of points that I would like to make. Mr. Chairman, I appreciate the interest that is expressed on this issue, this hearing has been called to focus on questions relating to monitoring enforcement of speed limits. To my mind, these issues arise wholly apart from the action Congress has taken to modify the speed limit law. I know the 65 mile-per-hour amendment will be discussed today, so I want to mention briefly a little bit of perspective in the legislative history of the 65 mile an hour speed limit law.

Last year, both the House and Senate voted on and approved the 65 amendment and incorporated it in the 1987 Highway Bill. In fact, the Senate had approved the same language in three votes over the course of 6 months with the margin of victory increasing from 20 votes the first time to 32 votes the second time to 39 votes last March the 20th. So I think what that is, is some people say that it is impossible to change votes through education enlightment, but I think in this case that we were able to do it, and also I think we got a lot of help from the people at home sending those cards and letters in to their elected officials.

Since the time that the 65 amendment the Congress, 38 States have chosen to raise the speed limit on all or part of the eligible interstate highways. In addition, last year's continuing resolution included a provision to allow 20 States the same authority to raise speed limits on rural highways built to interstate standards, but which are not part of the interstate system. As most of my colleagues would guess, I am pleased with the steps that have been taken so far to relax the national speed limit law, and I do not know of any evidence to suggest that it was a mistake. So I hope, Mr. Chairman, that that would satisfy any lingering doubts that you had about my position on this issue, which I am sure the Chairman has no doubt of.

The Department of Transportation has required States to report speed data since 1975, and Congress approved the threat of funding sanctions in 1978. Problems we will discuss today are not new and did not arise out of the 65 amendment we adopted last year. However, since the 65 amendment expressly eliminates compliance monitoring requirements and the threat of sanctions for interstate highways posted above 65, some commentators have suggested that passage of the speed limit modification has placed States which chose not to raise to 65 at a disadvantage. That is a spacious argument, and I hope we can lay it to rest here today. All State Transportation Departments and traffic enforcement agencies suffer under the compliance monitoring system and the threatened loss of highway dollars. Several of our witnesses will discuss the problems with the current monitoring system regarding both the liability of the data base and the adverse effects on highway safety.

It is sufficient for me to say that the monitoring requirement and the threat of sanctions have never been effective in the effort to reduce driving speeds and are more likely to detract from, rather than enhance, overall highway safety. I want to make a special note of the funding sanctions. I, for one, do not support, I repeat, do not support using highway funds paid by highway users in the 50 States to blackmail the same States, thereby, the same people, into compliance with Federal mandates.

This practice is particularly objectionable when we are talking about the Federal highway safety law, a term used as a battle cry for most of the supporters of the 55 mile an hour limit. Taking away 10 percent of the States' primary, secondary and urban highway funds because a State can't enforce an unenforceable law does not contribute to highway safety, and it does not instill concern for safety where such concern would not otherwise exist.

I just absolutely cannot see the logic in blocking the building of safer and better roads as somehow adding to safety, and that is exactly what happens when the Federal government blackmails and sanctions States and tries to withhold their highway dollars.

We are going to here today from Elden Spier of the North Dakota Highway Department, but I want to take this opportunity to borrow a quote from the letter from Walter Hjelle, the North Dakota Highway Commissioner, to Jim Smith of the California Highway Patrol. Mr. Hjelle addresses the safety question in terms that all of us from the rural part of America can understand. I quote:

> Each State legislature cares about its people. It is not just those in Washington who know what is best for us. North Dakotans want safe highways. It is our own lives on the line. We can have safety and set our own speed limits.

I don't want to steal any thunder from our distinguished Chairman of the Full Committee, but it is rather clear, straightforward thinking and writing that we all aspire to. I hope we will listen to the advice of this fine North Dakotan. They are not alone in this question. I know the views expressed by Mr. Hjelle are shared by the elected officials and the Transportation Department in my State of Idaho and in most States west of the Mississippi River.

I ask that a copy of Mr. Hjelle's letter to Mr. Smith be included in the hearing record.

Senator MOYNIHAN. Without objection.

[The letter referred to follows:]

NORTH DAKOTA STATE HIGHWAY DEPARTMENT

600 East Boulevard Avenue
Bismarck, North Dakota
58505-0700

George A. Sinner, Governor
Walter R. Hjelle, Commissioner
Ray Zink, Chief Engineer

February 12, 1988

J. E. Smith, Commissioner
Department of California Highway Patrol
P. O. Box 942898
Sacramento, CA 94298-0001

Dear Mr. Smith:

After careful study of your working paper on Maximum Speed Limit Compliance Formulas, we in North Dakota have arrived at several conclusive recommendations.

These United States comprise a vast area. There are so many different driving conditions as one crosses this country that a 55 mph national speed limit is not realistic. North Dakota wants total repeal of the 55 mph national maximum speed limit. We'd like to go one step further and see the federal government back out of the speed limit issue altogether. Let each state decide its own speed limit as we did prior to 1973.

You point out a significant factor when you say the existing compliance formula only considers whether an arbitrarily selected 50 percent of a state's motorists exceed 55 mph. So much of the formula has been arbitrarily set.

Let's put an end to the political maneuverings that accompany any formula. No one formula can possibly be fair to states as disparate as Alaska and California. North Dakota varies from a ranking of four to seven to 25 to 22 depending on which of your four formulas is used. Where do we really stand? The truth must be in there somewhere, but political maneuverings cloud it!

We in North Dakota commissioned a study of alternative formulas for determining compliance with 55 mph. Depending on which of the 18 formulas we developed, North Dakota ranked anywhere from first to 43rd, according to which factors were more heavily weighted. Each formula adversely affects some states -- who should decide who is to be hurt? Let's cut the maneuverings of these formulas and look at the unadjusted data. We are tired of wasting our time and money and federal time and money on political maneuverings.

In North Dakota our adjusted versus non-adjusted figures vary by approximately 20 percentage points each year. The so-called adjustment formulas allow for one of the widest margins of error I've ever heard of, wouldn't you agree? Yet, in the statistics that really matter -- fatalities per miles driven, North Dakota was third lowest in the nation in 1986, and consistently ranks as one of the safest states.

We are tired of sanctions. We are not naughty children who have been caught in the cookie jar once too often. We are responsible citizens looking out for our own best interests. Sanctions take money away from states that need the money for safety measures -- removing roadside obstacles, improving skid resistance, extending sight distance, widening bridges, applying effective edgemarkings to all roads, illuminating signs better, installing crashworthy guardrail. When sanctions are imposed and a state's apportionments are decreased, ultimately it is safety that is being compromised. Cutting federal funds only results in fewer highway improvement projects being made available to those states.

Accidents and fatalities aren't caused by speed limits, but by drivers. Certainly speed is a factor in auto accidents. It isn't, however, the only factor, or even the most important factor. There are several important considerations: alcohol, seatbelts, automobile design, highway conditions, roadside obstacles, emergency medical services.

When North Dakota raised its speed limit on rural Interstate highways to 65 mph last April, there was no accompanying increase in fatalities. In fact we experienced a decrease from 1986. The number of miles driven is increasing every year, yet fatalities are less than half of what they were in 1973. The number of convictions for Driving Under the Influence has dropped in half from what it was in 1983. The average speed driven is up, but it isn't affecting anything.

There is no positive correlation between speed and speed limits and fatality rates. Yes, fatalities dropped by 22 percent in 1974. We all wanted to do our part as conscientious citizens to save energy. But as people realized energy was not the issue, they began to disregard the law. North Dakota witnessed an even bigger decrease in fatalities -- 32 percent in the two year period of 1983 and 1984. Because of the tougher Driving Under the Influence laws our state legislature adopted in 1983 and because of national publicity from groups such as Mothers Against Drunk Driving, fatalities dropped dramatically. Unlike the five-year period following the implementation of 55 mph, fatalities have stayed at a consistently low level the past four years.

The word "safety" has taken on a sacred connotation in the 1980s. Of course, we all believe in safety, but the ultimate safe society eliminates all personal freedoms. We want safe roads -- every state does. Let each state decide what is best for its own people.

North Dakota is a rural state. We have a low population. Our accident rate is always one of the lowest in the country. Once again in 1987, the number of accidents in North Dakota is down by 1,100, at a time when we are being sanctioned for speed. Let's make safety a real factor, not just compliance for the sake of compliance. How to measure compliance should be a moot point -- how to make our highways safer is the overriding question.

During World War II there was a federal maximum speed limit of 35 mph as an energy measure. I'm sure it was also safer than 55 or 65 mph, but was it realistic? Despite the lower speeds, the death rate in 1937 was 15 per 100 million vehicle miles of travel. In 1986 the national fatality rate was 2.46; in North Dakota it was 1.78.

Prior to 1973 there was no federal speed limit. The power to set speed limits was a responsibility of each state. We want a return to that system. Fifty-five miles per hour was first imposed as an energy issue. "The national 55 mph speed limit was first instituted as a temporary conservation measure in response to the severe fuel shortage that occurred in late 1973." (Department of Transportation Speed Monitoring Program Procedural Manual -- first sentence) Energy is no longer an issue. If 55 is being kept because of a safety issue, then shouldn't accidents and fatalities -- the measure of safety -- be the prime consideration?

The question is, how fast is safe? Historically speed limits have been set by the 85th percentile -- the speed at which or below 85 percent of the vehicles are traveling. The 85th percentile is an accepted engineering procedure. The rationale behind it is to set speed limits that one is not purposely making people break. Engineers in the highway departments of each state should be studying the design speed of the road, the sight distance and the 85th percentile of what people are driving to determine an appropriate speed limit for each road. During the past ten years the 85th percentile in North Dakota has consistently been between 60 and 64 mph.

Certainly we need speed enforcement. But it is a responsibility of the states. We need to stress speed enforcement compliance -- at a proper speed determined by the state. Sixty-five miles per hour is easier to enforce; people drive it anyway. Why have 80 to 90 percent noncompliance as we currently do nationwide? Let's make law-abiding citizens out of the average motorist and set a reasonable speed limit.

With the 65 mph speed limit on rural Interstates, we have 85 to 90 percent compliance -- as we had prior to 1973. Removing the overemphasis on speed will allow law enforcement to focus on several issues which endanger lives. Spending millions of dollars on enforcement of an unworkable law is wasting money that could be spent promoting seat belts or educating teens on drunk driving, or improving commercial motor vehicle operator training. Enforcement has an important job to do. They must be on the lookout for excessive speeding, speeds unsafe for conditions, intoxicated drivers, improper lane changes. Let's not undermine their position in the eyes of the motoring public with a law that is being broken by 80 to 90 percent of the drivers.

Incentives are usually a much better way to attain compliance than sanctions. Federal incentives for stricter Driving Under the Influence laws under the 408 program are working well in North Dakota. But beware that the safety-based incentive plan is nothing more than an exchange of a new set of complicated incentives for an old set of complex sanctions in the name of simplification.

Each state legislature cares about its people. It isn't just those in Washington who know what's best for us. North Dakotans want safe highways -- it's our lives on the line. We can have safety and set our own speed limits.

This current system allowing 20 states to try 65 mph on other controlled access highways only serves to heighten the general dissatisfaction with 55 among drivers in the other 30 states.

The General Accounting Office will complete an audit of the 55 mph program this spring. They want new ideas for modifying the compliance process. We have many new ideas.

We favor complete repeal of the sanction mechanism.

We favor repeal of the 55 mph speed limit.

We favor states' rights in the ability to set their own speed limits.

Twelve states have chosen to keep the 55 mph speed limit on their rural Interstates. Let each state decide its own speed limit, just as each state decides how to handle intoxicated drivers on its own. Let each state respond to the majority of its citizens.

During his State of the Union address, President Reagan recently made humorous reference to the thousands of pages of Congressional documents. Let's truly simplify this issue at the federal level, cut these federal speed monitoring requirements altogether, and eliminate a national speed limit.

Congress is waiting to hear the states' views in a committee hearing on February 25. If several states testify in agreement on the removal of a national speed limit, we can have a tremendous impact. Will you join us?

Sincerely yours,

Walter R Hjelle

Walter R. Hjelle
Highway Commissioner

xc: all other states

Senator SYMMS. Thank you, Mr. Chairman. Finally, the question of equity, which I mentioned earlier, is one I believe we can address in an appropriate manner if members are truly concerned about the issue. Clearly, there are problems with the current compliance monitoring system and funding sanctions. I do not believe these problems will be resolved by creating a new compliance formula whereby making the sanctions provision applicable to highways posted 65.

Instead, let's heed the words of Walt Hjelle and the unified voice of the American Association of State Highway and Transportation Officials, AASHTO, representing the Transportation Departments of all 50 States. Let's try believing that the States do care about the safety of their citizens and the elimination of speed limit sanctions altogether. I pledge my support for that proposal, and I will gladly work with any interested parties to move such legislation forward.

Mr. Chairman, I apologize to my colleagues for taking that much time, but it is something that I did want to get into the record and get said, and I look forward to working with you, as always, on this Committee on this important issue. Thank you very much.

Welcome, Senator Hecht. It is good to have you here, a great champion of 65, and you were a real help to us last year to get that done.

Senator MOYNIHAN. I thank my colleague and friend, and I am sensible of the pressures of Mr. D'Amato's time and also Mr. Hecht's. I will speak very briefly just from a few notes here.

The first thing to say is to agree with Senator Symms that with this proposition that States do care about this subject, it is in the history of the subject, which is an interesting one. I think it is the record that the issue of highway safety was first successfully defined in the State of New York in 1958. If you will think of this question as a public health problem, I think that in the history of public health, the crucial moment comes when a particular problem is defined, and we know what kind of problem it is.

Jonathon Behnman, the late Jonathon Behnman had been Chairman of the Governor's Traffic Safety Policy Committee, which began this work in the fifties, at a time of great salience on the issue of highway safety.

In a circumstance where he had taken leave, I was acting Secretary to the Governor and accordingly, chairman of this committee, and I came into contact with a then recent graduate of the Harvard School of Public Health of MIT, previous to that, the Harvard Medical School, the late William Hadlin, Jr., who was an epidemiologist of great capacity, and had worked with persons in public health who had dealt with aviation safety and had begun to think of the crossovers.

We faced a situation in which there was no information of any kind about the subject that would pass any scrutiny as data. We were in a pre-scientific mode entirely, and we began to recognize that. He walked me through this realization, and by the end of 1958, the state of the art had begun to define the issue in epidemiological terms, and it was the beginning of some request for rigor of inquiry, for standards of evidence, for methods and paradigms of inquiry.

In 1959 and 1960, Dr. Hadlin and I gave a series of lectures at Syracuse University which, I think, I would like to think, mark the beginning of the formal definition of this subject. I make the point simply because as I look around here at some of the data we have before us, it is not very impressive. I came down in 1961; I became Assistant Secretary of Labor for Policy, Planning and Research, and with the use of the occupational safety as the issue and the President's Highway Safety Committee as the mode we developed the legislation which we applauded would take a decade. It took only five years to produce the National Highway Traffic Safety Administration, of which Dr. Hadlin became the first chairman.

It was an extraordinary beginning to an effort, I think, that has somewhat faltered since. I only say this for one reason: We must ask our witnesses from the Executive Branch, if they would not understand, that we shall expect a measure of rigor from them, which I find very, I mean, succintly absent. It is not always that we are not the only ones. In our staff memorandum, and notable and wonderfully executed by staff, it speaks of traffic accident data. Well, if we are still talking about traffic accident data, why did Dr. Hadlin and I spend two years doing those lectures at Syracuse?

Accident is a pre-scientific word. It suggests the absence of causality or the inability to locate causality. These are predictable and expectable events in a particular kind of transportation system involving transfers of energy on certain thresholds and such alike.

They are not accidents; they are events which can be forecast and which can be defined. Just one last point: I am going to ask someone to explain something to me today. We passed, in 1974, a 55 mile an hour speed limit, but apparently, the standards for the conformity to a law are whether the average speed is 55. If we knew something about the standard deviation, and I am going to ask somebody, and I am going to right now put on notice the Federal Highway Administrator, I am going to ask them, what is the standard deviation in the average distribution here?

Because it might mean that out of 55, if all you have to do is have half your people under 55, that means you have half over. Do we settle for a range where if only half the people violate the law, and that is enough? According to the standard, the statistical distribution, you could have a third of the people driving at 90 miles an hour up there in Buffalo, and that is all right, so long as a third are driving under 20. That is not very impressive, at least to my view. Somebody can explain it. I am happy to learn.

Senator Reid, you have been kind enough to join us. Would you like to make an opening statement?

OPENING STATEMENT OF HON. HARRY REID, U.S. SENATOR FROM THE STATE OF NEVADA

Senator Reid. Mr. Chairman, I have a statement, but due to the two Senators waiting, I would ask permission to make my statement part of the record.

Senator Moynihan. That is very thoughtful of you and very characteristic.

[Senator Reid's statement follows:]

OPENING STATEMENT OF HON. HARRY REID, U.S. SENATOR FROM THE STATE OF NEVADA

Mr. Chairman, I am happy to be here today, and I look forward to the testimony of the witnesses.

Today we will discuss the monitoring system for assuring compliance with our national maximum speed limits. We currently require that 50% of the motorists drive no faster than 55 mph on designated routes. A state which fails to comply with this requirement faces cuts of up to 10% in federal funding for primary, secondary and urban highways. This compliance requirement is designed to promote the admirable goal of overall highway safety.

I am interested in hearing testimony on the effectiveness of the current system and suggestions for improvement. Senator Heinz has introduced legislation to extend the compliance requirements to 65 mph roads. I look forward to hearing his concerns on this matter. I am also interested in hearing debate on the overall effectiveness of the system. Does the system work? Does it promote safety? Are the states complying?

Many people argue that the system of sanctions is counter productive. They say that it doesn't make sense to sell states that they ar not keeping their roads safe enough, and then punish them by cutting funding which has the result of making their roads even less safe. I must confess that I find this argument persuasive, and I would like to hear more about alternative systems such as the establishment of incentives to encourage safety and state compliance.

Preliminary compliance figures for fiscal year 1987 show mixed results. Only three states failed to meet the 50% requirement; however, 37 states have noncompliance rates of 40% or more.

Perhaps the time has come to consider reform.

Thank you, Mr. Chairman.

Senator **MOYNIHAN**. Senator Lautenberg has submitted a statement which will be entered in the record at this point.

[Senator Lautenberg's statement follows:]

STATEMENT OF HON. FRANK R. LAUTENBERG, U.S. SENATOR FROM THE STATE OF NEW JERSEY

Mr. Chairman, I appreciate the opportunity to make this statement today.

Let me first say, Mr. Chairman, that I have strongly opposed any and all attempts to raise the speed limits on our highways. In my view, it's a tragic mistake to trade lives for a few minutes saved on the highway.

Unfortunately, a majority have voted for increases. The Surface Transportation Assistance Act passed last spring opened up 33,000 miles of rural interstate to new, higher speed limits. So far, 38 states have taken advantage of this provision.

And last fall, a fast-lane majority tacked onto the Continuing Resolution a provision allowing up to 20 states to raise the speed limit on non-interstate rural highways meeting interstate standards, as part of a four year pilot program.

As Chairman of the Transportation Appropriations Subcommittee, I included $336,000, above and beyond the Administration's request, to monitor the effects of the increased speed limit. NHTSA was also directed to expedite its report on the effects of an increased speed limit. It's vital that we fully ascertain the impacts of the authorized increases.

My opposition to increasing the limit is simple: 55 save lives. The statistics bear that out. In the 14 years since a national speed limit of 55 was put into place, thousands of lives were spared.

The Transportation Research Board concluded that the 55 speed limit saved 2,000 to 4,000 lives each year. The National Safety Council estimates that 36,000 tragic deaths were avoided as a result of 55. The TRB also found that the 55 limit prevented 2,500 to 4,500 serious injuries a year on our highways. As many as 61,000 minor and moderate injuries are prevented.

The American Medical Association found a 60 percent reduction in paralyzing spinal cord injuries resulting from accidents on our highways since enactment of the 55 speed limit.

Mr. Chairman, these are compelling statistics. I feel strongly that they argue for a return to 55. But, we face stiff opposition. In the meantime, we need to do our best to promote safety on all our highways, despite 65.

As has been discussed here, the highway bill passed last spring did not require states to monitor and enforce the speed limit on highways posted at 65 as they do highways at 55. That's an inequity that must be addressed.

Fortunately, New Jersey has not raised its speed limit, and is still in compliance. But there are other states that are being caught in this unfair situation.

It's absurd that one state could be penalized for having 51% of its motorists exceed 55, while another would not be if 75% of its drivers were speeding on roads posted at 65.

Mr. Chairman, this inequity must be addressed. But there are questions about how best to do this. A monitoring and enforcement program should be one that strictly promotes highway safety, that promotes compliance with legal speed limits, and that doesn't provide incentives to play with numbers to avoid penalties.

As a member of this Committee, I am very eager to work with you and our colleagues to right this wrong. As Chairman of the Transportation Appropriations Subcommittee, I am prepared to do all I can to address this problem and to ensure safety on our highways.

Senator MOYNIHAN. Senator D'Amato, we welcome you to our Committee and look forward to your statement.

STATEMENT OF HON. ALFONSE M. D'AMATO, U.S. SENATOR FROM THE STATE OF NEW YORK

Senator D'AMATO. Mr. Chairman, first, let me thank you for holding this hearing. As the senior Senator from New York, your leadership and the cogency of your remarks relating to the statistical problems in the enforcement procedures, and the history of the development of the national 55 mile-per-hour speed limit are appreciated by all.

I share very much many of the thoughts echoed by my friend and colleague, Senator Symms, who has been a leader in attempting to give to the states the ability and the right to set for themselves those speed limits which they believe are appropriate. I think that my remarks will touch, in some respect, on matters that you have already touched on. So, Mr. Chairman, I ask your indulgence as we attempt to fashion a picture of what is taking place in the State of New York, and how the enforcement of the Federal Highway Administration's rules on speed limit monitoring is totally inequitable and should be changed. In addition, I think the need for legislative action should be thoroughly reviewed by the subcommittee.

I see, our Chairman Emeritus, Senator Stafford is here with us. I hope that we all can put together a program for the Highway Administrator to look at and also the kind of legislative initiative that would bring together people with different points of view: those who support a 55 mph speed limit, those who are for a 65 mph speed limit. I think they can really coalesce in correcting the gravity of the problem here today, Mr. Chairman.

Mr. Chairman, last year's highway authorization bill, Public Law 100-17, permitted States for the first time, since 1974, to raise their speed limits up to 65 miles per hour on certain rural interstate highways. Indeed, 38 States have already done this. New York State, our State, has retained its 55 mile speed limit, as have 11 other states.

However, despite its slower speed limits, New York may lose $22 million in desperately needed Federal highway aid because of as a quirk in the law. California and North Dakota also face the loss of funds.

Public Law 100-17 penalizes 55 mile-per-hour speed limit States, with the possible loss of up to 10 percent of their Federal highway aid, if speed monitoring shows that a majority of drivers exceed the

55-mile-per-hour limit, even if by only 1 mile per hour. At the present time, States with 65 mile per hour speed limits do not have to monitor speeds on those faster highways and are not subject to Federal penalties for speed violations.

I would suggest to the Committee that it makes absolutely no sense whatsoever, and I am not advocating at this point that those States with 65 mile-per-hour speed limits be subjected to this burdensome provision; I am simply saying that to have it apply to those that have slower speeds absolutely makes no sense.

Thus, New York can lose millions if a majority of its drivers drive at 56 miles an hour, but 38 other States, with higher speed limits, would not lose a penny of Federal highway aid, even if all of their motorists drove at 100 miles per hour. That is preposterous.

In 1975, under the provisions of the original 55 mile-per-hour national speed limit, all States were required to report to the Department of Transportation, their efforts to enforce the speed limit, but no penalties were imposed for non-compliance. But in 1978, Congress added penalties of up to 10 percent of a State's portion of Federal highway aid if a majority of the State's monitored drivers broke the law.

When Congress raised the speed limit last year, it failed to extend the speed monitoring requirement and the compliance penalties to States which chose to raise their speed limits of up to 65 miles an hour. Thus, this glaring disparity is both illogical and discriminatory. I think there is a desperate need to take corrective action.

Now, some people argue that highway speed limit enforcement should be left to the States as a local enforcement matter. There is a lot of merit to that argument. This Senator is not going to disagree with that. However, if, for safety policy reasons, Congress intends to retain Federal oversight of speeds driven on certain federally-aided highways, then we need to make this policy work for us and not against us.

The current law produces absurd results. First, it pressures States which believe that 55 miles per hour is a safer speed to raise their speed limits simply to avoid the loss of Federal aid.

Second, Federal monitoring and penalty provisions apply only to "public highways with speed limits posted at 55 miles an hour." So, Mr. Chairman, as you and I have discussed the absurdity of it, if a State enacts a 54 mile-an-hour speed limit or a 56 mile-per-hour speed limit, they will be exempt from the law. Now, I don't think that that is Congress' purpose or intent. Our highway safety goals are not advanced by forcing States to enact minuscule changes in the speed limits in order to avoid unfair penalties.

I hate to think that that kind of technical maneuvering is what we have got to give as advice, or as a solution to this dilemma, to our own State and to the other States that face this problem.

The current law does not take into account how fast drivers are speeding. As the Chairman has pointed out, if one-third of your drivers are going at 90 miles per hour, certainly, that would have far greater safety significance than if you had 50.6 percent of your drivers driving one mile per hour over the 55 mile-per-hour speed limit.

There is no flexibility under the current law to consider a State's total effort to improve highway safety. If a State has tough drunk driving laws, effective truck safety inspection programs, a high percentage of seat belt usage, and strict traffic law enforcement, these factors should be weighed together to measure the State's complete highway safety effort. If we must penalize States by depriving them of Federal highway aid, then we should do it on the basis of a weighted test that accurately measures highway safety. The General Accounting Office has produced a draft report that examines many of these issues.

Today, Mr. Chairman, as a matter of fact, when I leave this hearing, I will be meeting with the Secretary of Transportation. I am going to ask him, on our behalf, as we have discussed with our staffs, to at least place a temporary moratorium on penalties related to compliance with the 55 mile-per-hour speed limit, until Congress passes legislation containing a meaningful and fair test for compliance. The moratorium itself, I believe, can be achieved without legislation.

If, after developing an appropriate compliance test, the Committee opts to extend penalties to 65 mile-per-States, those States would be assured at least of a fair and rational test for judging their highway safety efforts.

Mr. Chairman, our State, as you know, simply cannot afford to lose $22 million due to technical flaws in the Federal highway law and regulations. Certainly, I look forward to reading the final GAO report and joining you and members of the Committee in the appropriate legislative reforms. Let me conclude by saying that the Federal Highway Administration rules on speed limit monitoring really work a tremendous injustice to our State and, I would imagine, to some other States.

FHWA's rules prohibit speed monitoring sites which are within a thousand feet of an interchange. Therefore, as it applies to New York, all monitoring on Long Island and on the Long Island Expressway takes place in Suffolk County at sites that do not fairly represent the speeds on more than 65 percent of the LIE's mileage. The monitoring is done in an area which has the lowest population, has the least traffic, and has the highest speeds; thus the Long Island data puts New York State into non-compliance by pushing the non-compliance up to about 50.6 percent.

My God, it can't be said that the Federal Highway Administrator should not have the ability to deal with this obvious flaw. I would hope that good sense and good judgment would bring our Administrator to a position where we could see to it that we do not jeopardize New York, as well as other States that fall within this purview.

Thank you, Mr. Chairman, again, for your patience.

Senator MOYNIHAN. I know that you have to leave, but before you do, I wonder if I could ask, and I believe Senator D'Amato may be the only lawyer among our group of witnesses here. Don't you find it, as an attorney——

Senator REID. Senator Hecht, you aren't a lawyer?

Senator HECHT. Thank you for giving me the opportunity to respond. No.

Senator MOYNIHAN. When you see the three Senators probably you would think two were lawyers. Excuse me, Mr. Hecht. But don't you find it anomalous that the Executive Branch has defined as compliance a situation in which only half the people are violating the law?

Senator D'AMATO. I think that that is something, as you have pointed out, Mr. Chairman, that certainly flies in the face of what one would ordinarily call compliance. It is not even nominal compliance. Moreover, of the 50 percent who may be exceeding 55 miles-per-hour there is no consideration given to how fast they are speeding, are these drivers averaging 5 miles over the speed limit, 6 miles over, or 10 plus miles over the speed limit? It certainly leaves quite a bit to be desired, and I would think that the General Accounting Office would make some very specific recommendations after it completes its studies.

Senator MOYNIHAN. Gentlemen?

Senator STAFFORD. Mr. Chairman, could I just comment that unless memory has failed me, I think we in the Congress set the 50 percent compliance requirement rather than the Executive Branch of the government. So we are the enemy here, maybe.

Senator D'AMATO. As we often find ourselves.

Senator SYMMS. Thanks very much, Senator. I appreciate your testimony. I am concerned, though. Don't you think that my assertion that the way to handle this is to stop all this nonsense of sanctions and let the states run their own safety programs?

Senator D'AMATO. My own pre-disposition would be to follow the learned Senator's example and say, let's give to the States that which they rightfully have and stop attempting to intrude.

But as a practical matter, I think that there may be another body that may not share that thinking, and so I, speaking in the spirit of accommodation, and I am talking about our colleagues in the House of Representatives. I am not certain that we would be successful in passing legislation that would relieve us of these onerous provisions. However, if I had my druthers, I would be supportive of the Senator's thoughts.

Senator SYMMS. Doesn't common sense tell us that to take $22 million away from the State of New York that could be used to improve the safety of the highways is going to get more people killed, not less?

Senator D'AMATO. There is no doubt that you have stated part of the problem. I think that it is further compounded when you say, here is a State possibly being penalized that has opted for a lower speed limit, and although reasonable people might argue as to whether or not that truly produces a significant safety result, the State feels that it does. In its effort to promote safety through the 55 mph speed limit, New York State has reduced considerably the speed of the average motorist, and now it is in jeopardy of incurring this penalty!

It is something, I think, that we have to address. It should be addressed, and I would hope that we could build a coalition to do it. As you know, in the spirit of accommodation to my colleagues who sought speed limit relief for 20 States having rural roads that did not meet all the Interstate standards, I played a key part in fashioning the compromise that we passed on the Continuing Resolution. I would hope that this current issue does not divide us. This is not an issue that should put those who are for a lower speed limit, and those who are for the 65 mile an hour in opposition. If anything, it should help to bring us together.

Senator **Moynihan**. Thank you very much, sir. Senator D'Amato, I believe you have to leave?

Senator **D'Amato**. Yes, I do. I thank you, Mr. Chairman.

Senator **Moynihan**. Thank you.

Senator Hecht? Lawyer Hecht?

Senator **Reid**. Mr. Chairman, that is kind of a standing, I won't call it a joke, but Senator Hecht, for years, he and another State legislator by the name of Keith Ashworth, their favorite pastime was making fun of lawyers, and they did a pretty good job of it.

Senator **Moynihan**. Now it is coming through. It is coming through. We welcome you, sir, and we have your statement. We will place that in the record. Perhaps you would like to speak further.

STATEMENT OF HON. CHIC HECHT, U.S. SENATOR FROM THE STATE OF NEVADA

Senator **Hecht**. Thank you. I thank my distinguished colleague from Nevada, and I thank the distinguished Senator from New York. Many times when we served together in the Nevada Legislature, there was that type of remark, and another friend of mine, a distinguished attorney, who is now a Supreme Court Judge in Nevada, said that there is such a thing as poetic justice, because at the present time I have two daughters in law school.

As the distinguished Senator from New York mentioned, and the distinguished Senator from Idaho mentioned, whether States should have the right to set the speed limit, I want to remind the Senator from Idaho, when we were in with the President of the United States in the Oval Office, he brought out that point to us, the Federal Government is in areas where they should not be, one of which——

Senator **Moynihan**. The President said that?

Senator **Hecht**. Yes.

Senator **Moynihan**. It is the President's view that the Federal Government should not be regulating speed limits?

Senator **Symms**. That is correct.

Senator **Hecht**. It is one area, and he said that he feels without a doubt that the Governors and the State legislatures know what highways in their State are safe to drive at what speeds, and this is one area the Federal Government should not be in. I just wanted to bring that out to you today. Is that the way you interpreted it?

Senator **Symms**. That is correct. He made it very clear. He said, when we went in and asked for support, what he said was, "I have got good news for you fellows." He said, "You don't go as far as I want to go." He said, "I want to repeal the speed limit and turn it over to the States." He said, "I was Governor of California and helped put the speed limit in the Los Angeles Basin part where there was heavy traffic, and we did not have it out in the desert where people could go on down the road." He said that is the way he wants to do it today.

Senator **Hecht**. I think that it is very noteworthy to point that out before this group today. This was his intention.

Senator **Moynihan**. Did he mention that wanted to abolish the State highway program, also?

Senator **Hecht**. No, he did not mention that.

Senator **Symms**. This was at a different meeting.

I want to state for the record that when Senator Hecht and I went down to have a prayer session with the President over the upcoming veto, I said, well, let Senator Hecht go in with me because we are going to get the same pitch, and I thought there would be safety in numbers, and he would not allow us to go into the room together, and we got worked over well.

Senator **Hecht**. He used the old Roman axiom, "Divide and conquer."

Senator **Symms**. He stayed with you, Mr. Chairman.

Senator **Hecht**. The distinguished Senator from New York, let me bring this into the proper perspective. Probably in your State, you might have 1 square mile of residential that encompasses practically all of the population of our State, while on the other hand, our square mileage might be more than all the New England States. So we have to bring this mileage into perspective. I wanted to point that out to the distinguished Senator.

I appreciate the opportunity to testify today on the speed limit issue which continues to be so very important to me and my State of Nevada. To begin with, Mr. Chairman, I would like to explain how I became so involved in this issue and why I introduced the initial legislation which became the basis for Congress changing the 55 mile-per-hour speed limit last year.

On January 31, 1985, I introduced S. 329, the Highway Speed Modification Act of 1985, which was the first balanced approach toward modifying the 55 mile-per-hour law. Last year, I was pleased to join forces with my friend and colleague, a distinguished member of this Committee, Steve Symms, in fashioning the compromise amendment, based on S. 329, to the highway bill which resulted in today's present law.

Mr. Chairman, every August, I spend the Senate recess in Nevada on what has popularly become known as my "Chat with Chic Tour". I spend over two weeks traveling, driving by van the huge State of Nevada, to listen and talk to Nevadans in Fernley, Ely, Elko, Winnemucca, and Pioche. My people have a lot to say, and you know what one of their main concerns was? "Chic," they said, "you have got to change this 55 mile-per-hour speed limit." I heard this repeatedly in towns like Hawthorne, Gabbs, Wells and Currie.

Well, Mr. Chairman, last year I was happy to finally report to Nevada that their pleas were heard by me and eventually Congress, and today, our States have the right to raise speeds on rural interstates up to 65 miles per hour. I would still like the speed limit to take one more step and be applied to all rural roads. I have again introduced legislation to do just that, but I am pleased we have gotten our foot in the door.

Obviously, if we were going to enact what the President would want, further legislation would not be needed. Since enactment of the new law, Mr. Chairman, there has been much said about its effect and whether or not we need to now recreate and reinstitute enforcement provisions. I say to this Committee, let's give the new law a chance to work before we take what I believe is an unnecessary step.

There is an even more important reason not to do this, and that is my belief in the ability of our States to handle such jobs. I maintain that the government closest to the people serves the people the best. "States Rights" is what we should be emphasizing, not more government intrusion into our private lives.

Mr. Chairman, our States know best how to enforce speed limits. They don't need Washington standing over them with a club. Without a doubt, there are many more important issues facing America rather than having Uncle Sam ride shotgun on our cars and pickups.

Mr. Chairman, due to time limitations, I ask that the balance of my testimony be inserted in the record, and I, again, thank the Committee for allowing me the opportunity to speak today. Thank you.

[The balance of Senator Hecht's statement follows:]

Some of the discussion has concerned compliance factors, such as speed monitoring, and the penalty of losing Federal funds still applies to States who haven't changed to 65. Legislation has surfaced to again make all states subject to the Federal Government's will. Such a law would set Nevada and other States who have gained so much ground in the battle of States rights back to Federal speed monitoring and threats of lost Federal highway funding.

Advocates of this thinking spout statistics, argue fairness, and makes the issue out to be a loophole or oversight that was passed over in previous legislation. However, this is not the case. It is a misnomer to term this a loophole, and misleading to portray the monitoring provision as an omission that slipped through the process without being addressed. Senate records, and the memories of those involved at the time, can attest that the subject of monitoring was brought up and thoroughly discussed in senate and house hearings. The monitoring provision was intentional. The reasoning was to relieve States of greater federal burden and shift this responsibility back to where it rightfully belongs, to the States.

A barrage of numbers has been thrown about, particularly with regard to highway miles traveled and fatality rates. It is essential to use figures and research in formulating law, but where are we if those figures don't add up? Statistics regarding vehicle miles traveled and fatality rates have not been taken long enough, in a sufficient enough form to develop an accurate pool of information. Let's not be hasty. Statistics abound in Washington, but in formulating legislation we must insist on statistics which reflect actual patterns, not hasty data manufactured to conveniently back up a view point.

The stick that we threaten non-complying states with is also made of very weak stuff. The threat: comply with 55 m.p.h. or face a loss of 10% of Federal highway funds. The message we are sending here is an odd one: If the figures indicate 55 is not being enforced we whisk away Federal highway funds further risking maintenance and in the end safety. If the motive of monitoring is truly controlling speed and enhancing safety, why is the punishment totally at odds with safety? In my mind this equates to a parent telling a child he is very concerned about bicycle safety but as a punishment failing to repair the bike. If we are sincere in monitoring for safety, the loss of funding for highway maintenance is not an answer.

Certainly, the wisest course here is to stop tossing meaningless statistics back and forth, and stop involving the Federal Government in issues that should be decided by the States. It is paramount that we place control back in the hands of individual states where the most effective decisions can be made.

Thank you Mr. Chairman.

Senator **Moynihan**. We thank you, sir.

Senator **Symms**. Could I ask Senator Hecht one question, Mr. Chairman?

Senator **Moynihan**. You surely can.

Senator **Symms**. What is the attitude now of people in Nevada, with respect to all of the primary roads you have, where you are lucky to see one other car in 20 miles; do they complain a lot about that? Do you want that raised to 65 also?

Senator Hecht. I thank the distinguished Senator from Idaho for asking that question. Obviously, they complain, and we might have a stretch of 100 miles where you might not pass any cars, and I question, quite frankly, whether everyone on that type of a stretch on a lonely road complies with the 55 mile-an-hour speed limit.

Senator Symms. Of course, the problem is, if you are out there all by yourself and they get you with a radar gun, you are nailed. You can't hide behind the car in front of you. So it really does create a problem. It is a harassment of our people, which I think is really unnecessary. I support your bill because of that. We have the same problem in Idaho. If you drive from Boise to Sun Valley, you drive out across the Fairfield Plateau, and it is as straight as a string. For about 65 miles, there is no turn in the road. It is crazy to make people drive 55 on it.

Senator Hecht. I could not concur moreso. Again, I thank you for all of your help in getting the modification of the speed limit. Perhaps if we continue to work together, we will get the President's wishes.

Senator Symms. I thank you very much. Without your efforts, we would not have made it.

Senator Hecht. Thank you very much.

Senator Moynihan. Thank you very much, Senator.

Senator Heinz, welcome.

STATEMENT OF HON. JOHN HEINZ, U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator Heinz. Mr. Chairman, Senator Symms, thank you very much for inviting me to participate in this hearing, and I want to commend the Committee and say that I am pleased that you are examining issues relating to the Federal speed limit, which I believe is an important component of our National Transportation Safety Policy. On February 4th of this year, I introduced S. 2041, legislation which would close a loophole in last year's Highway Bill. As members of this Committee are well aware, last year's highway legislation raised the allowable speed limit to 65 miles per hour on rural Interstates but did not require those roads to be monitored by States for the purposes of achieving the 50 percent compliance.

My bill would extend compliance in monitoring provisions to 65 mile-per-hour roads. My bill has, at the present time, some six cosponsors: Senators Simon, Proxmire, Pell, Weicker, Mikulski, and Adams, and I am grateful that it has been endorsed by the Center for Auto Safety. Let me tell you why I introduced the bill. It was for three reasons.

First, you could drive a tractor-trailer through the loophole in existing law. Second, by exempting 65 mile-per-hour roads from monitoring in compliance, current law removes a powerful incentive for the 38 States that have raised the speed limit, to enforce the speed limit on those roads. That incentive is the 10 percent sanction on primary urban and secondary highway funds.

In addition, the exemption provides an incentive for States that have not done so to raise their speed limits. Some States may be able to achieve 50 percent compliance, and avoid sanctions, if they don't have to monitor rural interstates.

I would point out that the National Highway Traffic Safety Administration has found that fatalities on 65 mile-per-hour rural interstates are up 52 percent over last year. Although the data is preliminary, admittedly, the increase is dramatic, and if the statistics hold up, they are statistically significant and sound.

Third, current law violates a basic principle of justice and fairness that all laws should apply equally. My own State of Pennsylvania risks losing some $16 million per year if it does not achieve compliance. While this does not represent a change in policy for Pennsylvania, it is unfair to force Pennsylvania to achieve compliance by monitoring all of its highways which are posted at 55 miles an hour, when the law permits those states which have raised the speed limit just to monitor their remaining 55 mile-per-hour roads.

I think our current policy, therefore, is nothing short of ironic. Monitoring does not occur on those roads which, according to existing statistics, seem to need it most. States like Pennsylvania, which have kept the 55 mile-an-hour speed limit for safety reasons, are at a relative disadvantage to other States, because when it comes to monitoring requirements that may result in the sanction of highway funds, we are liable.

Having said this, let me assure all of the members of the Committee that I am aware that problems have been identified in the design and enforcement of our existing speed limit compliance provisions. Some of today's panelists, such as Senator D'Amato, a moment ago, and others who will speak later, have addressed or will address these in greater detail. I want to point out that my legislation is not intended as a comprehensive solution to the speed limit compliance problems. In fact, I am quite interested in working with the members of this Committee and others to help develop a compliance provision that would more effectively improve safety on our Nation's highways.

One option, which has been discussed to some extent, is to create, for example, a weighted point system that would accord greater emphasis to the percentage of motorists driving more than 5 or 10 miles per hour above the speed limit or, the percentage of motorists speeding on non-interstate roads, which are less well maintained, usually, than Interstates.

Another possibility is to give states bonus points for aggressive enforcement of speed limits. And there are many other approaches to the issue, as well. But until a mechanism is developed, I think it is important that we treat all States fairly and equally and that we preserve our existing incentives to achieve compliance with the law and the maximum level of safety.

So I hope, Mr. Chairman, that the members of this Committee will take a careful look at my bill; that they will support it if possible; and for my part, I intend to work with this Committee and all the others who are interested to help develop a better Federal policy in the area of speed limit compliance. I thank you all for this opportunity to appear and testify before the Committee.

Senator **MOYNIHAN**. Thank you, Senator Heinz.

In return for your pointing up so clearly how dumb the present arrangement is, I can assure you that this is not going to stay in place. This Committee is not going to allow this to happen, and Pennsylvania is not going to lose $18 million because you kept a lower speed limit from some other State which opted to have a higher one. That is not public policy; that is just an erratic and unintended consequence of a change that took place in last year's legislation. We are not going to let it happen.

Senator HEINZ. Mr. Chairman, I thank you for that assurance. It is, I am sure, one that you will be backed up on by the members of your Committee, and it is one that I think my constituents and those in other affected states very much appreciate, and I thank you very much.

Senator MOYNIHAN. I would like to say, further to your question, it would be useful if we could get from the Executive Branch some judgment about what is useful in this kind of regulation. What has consequences and what has the appearance of consequences in the main? Highway engineers and such, while brilliant in their building highways, and building them safely, have not been very interested in the aftermath. I have been on this Committee 12 years, and I have never heard an interesting sentence from the Federal Highway Administration on the subject.

And I have heard a lot. That does not say they don't build good highways. They do.

Senator Stafford?

Senator STAFFORD. Thank you, Mr. Chairman. Senator Heinz, I listened very carefully to what you said, and I have looked at your bill. I first want to say I agree that equity in treating the States that have stayed at 55 vis-a-vis those who have gone to 65 is certainly only the fair thing to do. I think I understood you to say that on the rural Interstates that have gone to 65, there has been a 52 percent increase in fatalities. Did I hear you correctly?

Senator HEINZ. Mr. Chairman, Senator Stafford, that is right.

Senator STAFFORD. Well, if we projected that in 1988 we would have 46,000 meaths and 3 million people wounded because we had gone into Nicaragua, there would be an enormous outcry in this country, wouldn't there? I think we would all agree on that. It still amazes me, I just have to say as an observation, that next year, on our highways, whether they are at 65 or 55, or some other speed, and some other locality, we will probably have about 46,000 people killed and 3 million injured, and the country seems to accept that without hardly batting an eye. It has amazed me since I have first been in law enforcement 40 years ago up until the present time.

Senator HEINZ. If I might just respond, I thank the Senator from Vermont for a penetrating comment. The numbers that he cites, at least in terms of the number of people killed, are about the same number as were killed in Vietnam, and 3 million is considerably more than were injured by several times over.

Senator STAFFORD. Yes, and we do it every year.

Senator MOYNIHAN. I think the point is that there is obviously a very direct and expotential function of the incidents of fatalities. As speeds increase, the collision at 65 miles an hour and 75 is twice as likely to produce a fatality as a collision at 55. It really is expotential, and very much so.

Senator SYMMS. Senator Heinz, if we want equity, would you support language that would make the States that are at 55 have the same compliance requirements as the States that are 65?

Senator HEINZ. Which is to say none?

Senator SYMMS. Right. There has been no case in a State where the sanctions have ever demonstrated that they caused the speed limit to be complied with anyway.

Senator HEINZ. I think there are two issues involved in responding to that question. The first is where one stands on the issue of safety on Interstate roads, which are constructed, as a matter of Federal policy, to facilitate interstate commerce. That was the whole idea back in 1958, when President Eisenhower proposed the Federal Interstate Highway System. It was done for National Defense purposes.

Senator MOYNIHAN. Would you mind a certain colloquialism? I know he lived in Pennsylvania in those times, but it was President Roosevelt that proposed it in 1944.

Senator HEINZ. He wasn't there to sign it.

Senator MOYNIHAN. It was General Motors that enacted it.

Senator HEINZ. In any event, the purpose, irrespective of who claimed credit for the paternity.

Senator MOYNIHAN. President Roosevelt said it was the most important domestic achievement of his administration. It was certainly the largest public works project in the history of the world.

Senator HEINZ. I think the point I was simply trying to make is, here is a national initiative, and if you believe that the Federal Government, when it involves itself in a national initiative, has a responsibility like each of us to be a good citizen and/or a good neighbor, or a responsible party, that it should take into account hazards to the citizens that its policy may engender, and deaths and injuries on the highways that we have mandated, indeed, we laid out the roots. The States did not lay out the roots; we laid them out, I think, in this instance, very clearly justified.

Now, some people look at that, and they say, and this is the second issue, "Isn't enforcement strictly up to the States?" The answer is: Enforcement itself is up to the States, because we don't have a Federal police force, thank goodness, that runs around doing this. One can take a very pure attitude on States' rights; that:

> Well, it is not our fault that we didn't build it. It was built over our territory, we have got to enforce it, and you know, our position is that we didn't want this highway; we are going to use it, and we are going to take advantage of it, but we should be able to run it the way we want.

That is perfectly legitimate, but I don't agree with that point of view.

Senator SYMMS. The safest part of the highway system is the Interstate System, and the rural interstates are the least traveled and the safest part of that, and you were not here when I made my statement, but the Commissioner from North Dakota said in a letter:

> Each state legislature cares about its people. It is not up to those in Washington to know what is best for us, North Dakotans want safe highways. It is our own lives on the line; we can have safety and set our own speed limits.

So I am back to that question: Why not? You are taking Idaho now, and you are familiar with that road from Boise to Sun Valley. That is a well-traveled road, but because of the fact that the State is not.

Senator HEINZ. The part from Boise to Twin Falls is excellent, but going from Twin Falls north is not.

Senator SYMMS. The fastest way to get to Sun Valley from Boise is to get off at the Mount Home exit and go up through Fairfield. Because of the fact that we don't have the State policemen——

Senator MOYNIHAN. That ski shop right there?

Senator SYMMS. I want to make this point, because I think it is a significant point. Because of the fact that we do not require the State police in Idaho to spend all of their time monitoring the interstate, they now monitor highway 206 up through Fairfield, and they have slowed the traffic down on that a lot because they are able to use their officers there, and I think it would take longer than just those first statistics on how many traffic fatalities there are, because we have to know how many people were actually driving on the roads.

Senator HEINZ. Senator, I agree with you on the statistics. Those are preliminary.

You can't base policy on those. They are, if they hold up, very alarming, and we would need to know why that is happening.

Senator SYMMS. But then I think we would need to go back and say, "Okay, State legislature, if you care about your people, you take care of the problem. We can't do everything from here." I thank you for the help you have given me on the highway program. Without this Senator's help, we would not have accomplished passage of the Highway Act last year. So it is a big package. He and Senator Hecht and Senator D'Amato were three very important persons in that effort.

Senator HECHT. Thank you very much.

Senator MOYNIHAN. Could I say to my friend, just in closing, and to compensate for the remark about that, it was actually Robert Moses who thought it up. It came up in the World's Fair at the Futurama, in 1976.

The legislation that established the Interstate Commerce Commission, which was enacted, I think it was, in 1886. Its principal intention at the time was railroad safety and to require the railroads to start using the Westinghouse Air Brake. In an era when the general judgment was that as long as brakemen are cheaper than Westinghouse Air Brakes, they are going to use brakemen.

We began the safety regulations with Interstate Commerce in the 19th century. I am sorry, the ICC was founded in 1887. So we just went by it; we missed the 100th anniversary of Federal Safety Regulations in Interstate Commerce.

Later on, I think it was 1920, aviation began and the regulation of air travel, and the issue never even arose. The Federal Government has regulated safety of air travel from the beginning of the system.

Railroads, like airlines, and highways came last, but it lasted a long time. It was well-established. There can be no question of the precedence of the question: What do you want to do? Senator Heinz, I, and the Committee, are very grateful to you. Everybody here shares your view about the equity of this case. We would like to pursue the question of what is generally best to do.

Senator HEINZ. Mr. Chairman, I thank you and the Committee for your courtesy and for your time and attention to this issue; also, Mr. Chairman, for your particular disposition on the Interstate Highway System. I will research whether it began in either the 18th or the 19th century, AD or BC.

Senator MOYNIHAN. It was actually 1956, if you want to know the truth.

We have a panel of witnesses next. Welcome, Mr. Mead, Associate Director of the General Accounting Office; Mr. Thomas Deen, who is the Executive Director of the Transportation Research Board of the National Research Council; Mr. R.D. Morgan, of the Federal Highway Administration; and Mr. Jeffrey Miller, who is Deputy Administrator of the National Highway Traffic Safety Administration.

Gentlemen, we will hear you in sequence, and you can put your statements in the record. I will ask that each person try to keep your statements to 10 minutes. There is a limit of time in the afternoon, but we want to hear you, and we are happy to hear you. Mr. Mead, you are first in our listing, and you are going to report, sir, on the GAO inquiry into the nature of this particular Federal regulation.

Senator SYMMS. Mr. Chairman, if I could interrupt for one second, I sincerely want to apologize to the Chairman and to the witnesses, but I have an Idaho Delegation Meeting that I absolutely must attend. I am going to be called out of here for, it may be as long as 2 hours before I can get back. I will read all of your testimonies. It is a subject I am very interested in. I am very interested in all your views.

My staff will be here and keep me up to speed regarding what is said. I want to thank all of you again for being here, and I apologize that I simply can't be two places at once, but I am required to be at this other meeting. So I am going to have to excuse myself.

Senator MOYNIHAN. That is perfectly understandable, and the record will be available to you.

Mr. Mead?

STATEMENT OF KENNETH M. MEAD, ASSOCIATE DIRECTOR, GENERAL ACCOUNTING OFFICE, ACCOMPANIED BY FRANK MULVEY, PROJECT DIRECTOR

Mr. MEAD. Thank you, Mr. Chairman, members of the Subcommittee. To my left is Dr. Frank Mulvey. He directed our work for the Subcommitte out in the field.

Senator MOYNIHAN. We welcome you, Doctor.

Mr. MEAD. We appreciate the opportunity to appear before the Subcommittee to discuss the results of our forthcoming report on whether State practices for collecting highway speed data follow Federal law and guidelines.

Our testimony today will make two basic points. First, our review of monitoring practices in six States found that they largely follow FHWA guidelines for monitoring.

Second, the current basis for judging compliance in assessing penalties bears little relation, in our opinion, to the goal of improving highway safety.

With regard to the second point, we wish to emphasize that we did not examine the safety benefits of the 55 mile-per-hour speed limit. Our review, instead, focused on the monitoring program and the basis for sanctioning States judged to be out of compliance.

Mr. Chairman, you asked us to examine how State and Federal agencies are fulfilling their responsibilities under the law. We interviewed Federal and State highway and law enforcement officials in six States: Arizona, Idaho, Maryland, Maine, New York, and Vermont.

Although we did not attempt to develop a statistically representative sample, we believe that these six States are illustrative of the broad range of highway conditions in the Nation and of the problems some States have experienced in complying with the speed monitoring law.

We made visits to 63 of the 204 speed-monitoring sites located in the 6 States. We witnessed demonstrations of the different types of equipment that are used to collect speed data.

On the whole, we found that the monitoring programs generally met Federal requirements, but we uncovered several problem areas, including inconsistent FHWA oversight. FHWA officials told us that they plan to visit all FHWA regional offices to reassess oversight and to ensure greater consistency.

We also encountered several cases where speed monitoring sites were inappropriately located. These included sites near traffic lights, places where traffic merged and caution signs advising motorists to slow down.

For example, one site was between two traffic lights, where it would be difficult for a vehicle to reach a speed of 55 if either signal were red.

In New York, one site was on a road in a residential neighborhood where posted speeds ranged from 15 to 30 miles per hour. There was a 55 mile-per-hour sign at the monitoring site, but it was behind a tree.

Senator STAFFORD. I want to congratulate New York on their innovative technique.

Senator MOYNIHAN. I want to congratulate Mr. Mead on his delicacy in these matters. His actual testimony says it was hidden behind a tree.

Mr. MEAD. But I would like to hasten to add, Mr. Chairman, that these cases were the exception and not the rule. In each case, they are being addressed by the appropriate agency.

We also learned of two earlier cases where State Police tried to influence speed data collection results by stationing patrol cars at monitoring sites while speeds were being recorded. In both cases, FHWA division officials noted the infraction, and the speed data was ultimately disregarded. Finally, we found a compliance measure that at least 50 percent of the traffic on 55 mile-per-hour posted roads obeying the limit is not necessarily the best indicator of highway safety. Nor does the level of compliance necessarily reflect speed enforcement efforts by State Police.

States with relatively good compliance records do not always have the safest highways, and States that aggressively ticket speeders do not necessarily motivate a sufficient number of motorists to comply with the 55 mile-per-hour speed limit.

A State's success in complying with this law is partly determined by the roads it chooses to post at 55 and whether it decides to retain the 55 mile-per-hour limit on the rural interstates. If a State only posts its best highways at 55, it will have more difficulty staying in compliance.

For example, a State like New York that chooses to retain the 55 mile-per-hour limit on rural interstates might find itself facing sanctions that it could otherwise have avoided by raising the limit, and that is because vehicles will travel faster on better roads.

The current standard for judging compliance also does not consider the differences in road design or the seriousness of the speeding infraction. Thus, minor infractions on modern, well-designed, four-lane divided freeways are treated no differently from high-speed violations on two-lane rural roads.

Also, even on the same type of road, serious infractions are treated no differently from minor infractions. State officials within the six States we interviewed told us that the current criterion is an inappropriate basis for assessing sanctions. They believe that weight should also be given to other factors, such as the type of road where the speeding occurs and how fast the vehicles are traveling.

To sum up, although we found some discrepancies in State speed-monitoring practices, we believe that on balance, the speed limit monitoring programs in the States we visited are generally in compliance with Federal regulations. However, our review leads us to conclude the concurrent Compliance Measurement Program does not correspond well with the congressional goal of improving highway safety. Our forthcoming report will point to the need for reassessment of the Compliance Measurement Program by DOT.

In particular, we believe DOT should examine the feasibility of introducing a weighing scheme that places emphasis on high-speed driving, violations on roads with poor safety records and the intensity of a State's enforcement efforts.

That concludes my statement, Mr. Chairman. We will be pleased to respond to any questions.

Senator MOYNIHAN. Thank you, Mr. Mead, and Dr. Mulvey. This is very much what we hoped for. The assessment of what one is: How is this particular regulation being complied with, and whether or not it is complied with, just how well is it to the objective, the nominal objective?

Can I say, I, in defense of Idaho, which has the highest fatality rate in the country, let me ask Dr. Mulvey, in our tables here of the alphabet as Hawaii immediately precedes Idaho, Hawaii has, per 100 million miles, I guess, a fatality rate of 1.72, and Idaho has a fatality rate of 3.32. Now, surely, we know what the principle explanation for that is.

Dr. MULVEY. Between Idaho and Hawaii?

Senator MOYNIHAN. Yes.

Dr. **Mulvey**. Well, there are a number of factors causing higher fatality rates in Idaho, for example, Idaho has more inclement weather, a whole host of things can affect fatality rates.

Senator **Moynihan**. No, no. Hawaii has half the rate of Idaho.

Dr. **Mulvey**. Yes. More inclement weather in Idaho might be one reason.

Senator **Moynihan**. No, no, no. It is the distance from a hospital when you have the accident.

Dr. **Mulvey**. This also would be a factor.

Senator **Moynihan**. This was one of them. I am sorry to go back to my youth, but we gave some very good lectures in 1959 and 1960. The National Safety Council used to rate everybody on how good your program was, and Idaho was always terrible. New York was always pretty good, and Illinois was pretty good; Arizona, awful; Connecticut, good. Hadlin and I spent the weekend just working out a very rough estimate of mean distance to a hospital in those respective States, and if you are four miles from a hospital and your head is bleeding, your likelihood of getting sewed up in time is much better than if you were 400 miles from the hospital.

So that is the level of data generally, no surge in reduced data or anything like that. But it was good enough for the National Safety Council; not good enough for this Committee.

Thank you very much. We will get back to you.

Senator **Stafford**. Mr. Chairman, could I please ask one question?

Senator **Moynihan**. Please, sir.

Senator **Stafford**. In the appendix to your statement, Mr. Mead, you have got the States you mentioned scored in fatality rate, and then in compliance with the 55 mile-per-hour Interstate. Are those figures, beginning with 84.1 for Arizona, are they figures that you developed, or are those figures that were submitted to the Highway Department?

Mr. **Mead**. These are figures from the National Highway Traffic Safety Administration.

Senator **Stafford**. I see.

Mr. **Mead**. The reason that we put them here was to illustrate why, just taking the people that are over 55 on average, it doesn't really further your goal of promoting highway safety.

Senator **Stafford**. Those figures are so high that I wondered if they were adorned at all with any of the fudge factors that, in some cases, allowed States to get their figures almost into compliance.

Mr. **Mead**. Yes, sir. In fact, if you did not make the adjustments that are provided for under the current program, 44 States would have been out of compliance in 1986.

Senator **Stafford**. Okay. Thank you.

Senator **Moynihan**. I guess we will keep with our schedule and ask Mr. Deen if he would speak next. Mr. Deen is the Executive Director of the Transportation Research Board of the National Research Council.

Mr. **Deen**. Thank you, Mr. Chairman.

Senator **Moynihan**. Could you bring your microphone up so people in the back can hear you, as well?

STATEMENT OF THOMAS B. DEEN, EXECUTIVE DIRECTOR, TRANSPORTATION RESEARCH BOARD, NATIONAL RESEARCH COUNCIL, ACCOMPANIED BY STEPHEN GODWIN, SENIOR PROGRAM OFFICER, TRANSPORTATION RESEARCH BOARD

Mr. DEEN. I am, as you noted, Thomas B. Deen, Executive Director of the Transportation Research Board, a unit of the National Research Council, which, in turn, is the operating arm of the National Academy of Sciences and the National Academy of Engineering.

I am pleased to be here this afternoon to summarize the results of our study of the 55 mile speed limit. I am accompanied by Steve Godwin, who was one of the key staff members of that study.

Senator MOYNIHAN. Mr. Godwin, do you wish to come to the witness table?

Mr. DEEN. I am sure you will recall that at the request of Congress, TRB convened a committee to examine the benefits and cost of the 55 mile speed limit. This committee was chaired by Dr. Alan A. Altshuler, Dean of the Graduate School of Public Administration at New York University, who could not be here today. We completed our work and reported to Congress in November of 1984. So the study is 3½ to 4 years old now. It is hard to believe.

Because the committee has not met to analyze development since that time, my comments today must be limited, for the most part, to summarizing the findings of the 1984 report. When the 55 speed limit was the maximum for all highways, our committee estimated that 55 saved 2,000 to 4,000 lives annually and about the same number of serious, severe and critical injuries. It reduced the number of lesser injuries by 34,000 to 61,000 each year.

Senator MOYNIHAN. Sir, I am going to ask you, because it matters so much in the National Research Council, and it matters a lot to us, as well, you used the word reduced. That can only suggest causality, and you are satisfied with the causal sequence; not a correlation, but causality.

Mr. DEEN. Yes. The committee worked very hard on that, Mr. Chairman. The fact of the matter is, of course——

Senator MOYNIHAN. You have got a model of causality that you could give us?

Mr. DEEN. The introductory statements in the report, I think, go into their rationale pretty heavily and the report preface acknowledges that the data are imperfect and that it is not possible to make a precise and exact estimate on these things, but the committee sifted a large number of studies and concluded that something like 9,000 lives were saved at the time that the speed limit went into effect.

A lot of things were going on at the same time, such as a reduction in the amount of total travel. We know there is a reduction of accident rates during times of economic down-turn, which was also going on at the same time. There was perhaps a reduction in the kinds of drivers that were out. There might have been more of a reduction of young people, for example, who might not have been able to obtain fuel.

They looked at all kinds of other factors trying to find out what might be the residual factors, and they were left with still quite a wide range, and they estimated 2,000 to 4,000 was the residual due to the speed limit.

Senator MOYNIHAN. Residual is what you don't understand. What is one of the major reasons the number of highway deaths in this country peaked in about 1960 at 55,000? I think that number is down now to about a stable 44,000. Surely, one of the principal reasons is simply better availability of medical care. I think you described 23 percent of a decline in that. But it would be nice if you could give us your model, because we have just heard from GAO that they don't find this particular statute has any relation, one way or the other. I am encouraging you to teach us.

Mr. DEEN. It is probably fair to say that there is a measure of logic and inference in this thing. They looked not only at what happened in 1973 in the United States; they looked at the breakdown; what happened in individual States; what happened on individual roads, particularly toll roads, where there was a substantial amount of data, not only on accidents, but on travel.

Senator MOYNIHAN. But did you find out about travel?

Mr. DEEN. We looked at overseas, where speed limits had been put into place, and of course, as you pointed out a moment ago, the exponential factor of the energy effect of higher speeds, there is a logic behind it. So you put the two together and you cannot prove it mathematically, but the committee was convinced, when they got through sifting all this, that there was an attribution of 2,000 to 4,000 lives that could be attributed to the 55 mile-an-hour limit.

Senator MOYNIHAN. Fair enough, sir.

Mr. DEEN. The limit also reduced the number of lesser injuries by 34,000 to 61,000 each year. Slower travel speeds due to the 55 mile-per-hour speed limit reduced national consumption of petroleum about 1 percent each year and reduced accident and medical costs born by the taxpayer by about $65 million annually. Because of these substantial benefits to highway safety, the preponderant view of the committee was that 55 should be retained on almost all highways.

It stopped short, however, of making a firm recommendation that it should be applied everywhere. The committee itself was divided on the question of whether the states should be allowed some leeway with respect to interstate highways in rural areas. These roads represent 6 percent of all 55 posted roads, carried 19 percent of the traffic on such highways, and are typically built to the highest design standards.

For these rural interstate highways, our committee estimated the return to the speeds that prevailed nationwide in 1973, an average of 65 miles an hour, would cost about 500 lives. A considerable amount of time would be saved, about 445 million hours of travel time. This translates to about 100 years of travel time at the cost of one life and one additional serious injury.

In short, the time-safety tradeoff is more pronounced on rural interstates than elsewhere. The committee could not agree, then, on whether the benefits exceeded the costs in this context. Overall, the committee judged the choices involved in any decision to relax the 55 depended more on values than on any technical analysis. The committee believed it could best contribute to this decision by presenting the best evidence available regarding the benefits of the 55 and end the consequences of modifying it.

We were pleased that our report was used as a basic source of information during the debate on raising speed limits to 65 on rural interstates.

Let me now turn to a topic that was not part of our original charge but which occupied a considerable amount of our attention, and is of essential interest to this Committee today. It is the Federal procedure for monitoring state compliance with the speed limit.

The Federal government requires that each State keep at least 50 percent of the traffic on roads posted at 55 at or below the speed limit or risk losing some of its Federal highway aid. The law also allows adjustments to the raw data on traffic speeds, however, for possible sampling, speedometer, and monitoring errors. These adjustments are important to States, because without them, few States would be in compliance.

Indeed, some States would fail to meet compliance standards even with the adjustments. The problem is that the largest of these adjustments has little scientific basis. Speedometer errors are very common, for example, but they tend to cancel out and are clearly insignificant at a statewide level.

We recommend, therefore, that this adjustment be eliminated. We believe that the other adjustments are sensible.

Additionally, we noted that the States are equally vulnerable to penalty because of trivial or major violations. The current monitoring approach, for example, fails to distinguish between vehicles traveling at 56 or those going 75. Similarly, it fails to distinguish between vehicles traveling on interstates as opposed to secondary roads. Those traveling at 75 are more dangerous than those traveling 56, however, and those speeding on two lane, undivided roads are far more dangerous than those moving at the same speed on Interstate.

Our committee believes that the national monitoring system should recognize these differences and should encourage the States to concentrate on preventing the more dangerous violations. Thus, we recommended that the current monitoring system be replaced by a point system weighting violations by road type and degree of speed violation.

Among other things, such an approach would be in accordance with traditional speed enforcement practice, which allows motorists as few miles per hour leeway above the posted limit. Such a point system proposal was put forward in section 203 of H.R. 2 in 1987.

Whether the formula and weight proposed in that legislation would apply now that highways posted at 65 do not have to be monitored would have to be determined, but it was in the spirit of the recommendation. When our committee completed this work, 55 was the maximum speed limit on all highways. Whether our recommendations would apply today given the changes in national policy deserves some mention.

As we have witnessed, the States that keep rural interstates at 55 for safety reasons have a hard time keeping interstate traffic in compliance when other States have gone to 65. Even an improved monitoring system may, in effect, penalize States for trying to keep rural interstates posted at 55 when motorists traveling through from other States expect speed limits to be 65. It would be disappointing if States elected to raise speed limits to 65 because they wanted to avoid potential sanctions that accompany monitoring.

Although the committee did not specifically endorse a higher speed limit, it did believe that an increased speed limit should be enforced. Monitoring speeds on 55 and 65 posted highways would help overcome any incentive to raise speed limits to avoid potential penalty. But of course, elimination of monitoring on all such rural interstates would also accomplish that objective.

One important unintended consequence of not monitoring speeds on rural interstates is the loss of the actual data on traffic speed. Our committee was able to make judgments about the effect of the 55 speed limit, in part, because it had long-term trend data on traffic speeds to examine along with trend data on fatalities and injuries. The monitoring system provided the speed data. Without speed data, it will be difficult to estimate the effects of the 65 speed limit on safety.

In summary, our committee found the 55 speed limit to be an effective safety policy. We recommended that it be retained as national policy, but withheld judgment on whether the States should be allowed to raise speeds on the highest quality rural highways. Although the committee did not endorse the 65, it did believe that if enacted, it should be enforced.

We recommended that speed monitoring continue, but that it be replaced by new methods to better reflect the degree of risk associated with different types of violations. That completes my comments, Mr. Chairman. I appreciate the opportunity to testify.

Senator MOYNIHAN. We appreciate the opportunity, at some length now, to thank the National Research Council for that very important work which we turn to in great detail. But we didn't do the one thing we most proposed, which was to produce a more sophisticated monitoring measure, which is the point system, as you said. Perhaps that moment is upon us. We will hear from Mr. Morgan, who can give us some thoughts on the subject.

Mr. Morgan, are you going to speak for Mr. Miller, as well?

Mr. MORGAN. Yes, sir.

Senator MOYNIHAN. Mr. Miller, we will take silence to indicate acquiescence.

Mr. MORGAN. Mr. Miller has not had the challenge of not having said anything interesting in 12 years.

Senator MOYNIHAN. Mr. Morgan?

Mr. MILLER. We will join the attempts to be interesting.

STATEMENT OF RICHARD. D. MORGAN, EXECUTIVE DIRECTOR, FEDERAL HIGHWAY ADMINISTRATION ACCOMPANIED BY JEFFREY MILLER, DEPUTY ADMINISTRATOR, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Mr. MORGAN. Good afternoon, Mr. Chairman. I am Richard Morgan, Executive Director of the Federal Highway Administration. With me is Jeffrey Miller, who is Deputy Administrator of the National Highway Traffic Safety Administration. Eleven years ago this month, GAO released a report entitled "Speed Limit 55, Is It Achievable?" At that time, the 55 national speed limit had been in place just under 3 years, and the statutory requirement for a state to annually certify its enforcement of the speed limit had been in place just over 2 years.

A key finding of that report was that no criteria existed by which the success of state speed limit enforcement efforts could be judged. The report went on to recommend that the Secretary establish criteria.

That guidance was ultimately given by Congress in the 1978 Surface Transportation Assistance Act. Then Congress established a penalty provision under which states could lose up to 10 percent of their Federal-aid highway funds if 50 percent of the states'motorists exceeded the posted 55 mile-an-hour speed limit.

More recently, GAO has again reviewed the national maximum speed limit. Its draft report suggests that measurement based only on the percentage of motorists exceeding the speed limit on roads posted at 55 is not an accurate or fair means of measuring a State's enforcement performance and does not appear to have any discernible correlation with highway safety.

The recent action by Congress to allow the States to post speed limits up to 65 on certain highways has introduced another peculiarity into the current system and has brought the entire process into sharp focus.

The new law provides that highways now posted at speeds limits above 55 are not included in the criteria used to measure compliance with Federal law, just as roads posted below 55 have not been included. However, there was no corresponding change in the 1978 statutory language, which provides that all roads posted precisely at 55 are subject to monitoring and compliance criteria.

While this results in obvious inequities, it should be emphasized that the criteria is mandated by statute. When the states elected to raise speed limits above 55 on the rural interstates, one result was to exclude these roads from compliance criteria. This results in a continual risk of financial sanctions in States that have chosen, for any number of reasons, to retain a 55 mile-an-hour speed limit on the rural interstates. And it does create a subtle and inappropriate pressure on those States to raise their posted limits, an action which should be taken by State officials, only if they believe it could be warranted by traffic and safety consideration, not by sanctions.

This is another flaw in the compliance criteria that already is badly flawed. As noted in the draft GAO report, and in the 1984 TRB report, current Federal compliance criteria fails to recognize the different threats to highway safety posed by different types of speed violations.

Mr. Chairman, this has been discussed by, I think, three of the previous witnesses, so I will not go into that anymore. Needless to say, looking at roads posted only at 55, the Federal criteria completely ignores the very real risks of speeding on much more dangerous roads, the two-lane roads where often, lower speed limits are posted.

In testimony before the House Public Works Committee last March, the Department of Transportation recommended that Congress should seriously consider abandoning the entire compliance and sanctioning process, returning to the pre-1978 process. This would simply require governors to certify that no road has a posted speed limit above the maximum levels imposed by Congress and that their enforcement efforts are in place. States would once again be able to determine the level of speed monitoring and speed enforcement necessary without fear of financial sanctions. We have confidence in the States' abilities to enforce their laws without detailed Federal oversight.

We would prefer giving all authority for setting speed limits back to the States. However, given that Congress has acted to maintain a national maximum speed limit, the Department recommends reforming the Federal speed limit law to retain the States 'annual certification that no public highway is posted at speeds in excess of the congressional limits and repealing the compliance criteria, repealing the sanctions for noncompliance, and repealing the federally-mandated monitoring and reporting requirements. We expect that the States would continue to monitor speeds for their own highway safety programs, and we would strongly encourage them to do so.

This approach would move in the direction of restoring the traditional and proper relationship between the Federal and State governments. States clearly are in the best position to determine where speed enforcement is needed to enhance safety and should be able to deploy enforcement personnel accordingly, without the threat of losing Federal funds.

As part of the invitation to testify at this hearing, Mr. Chairman, the Committee listed several areas of concern as being of particular interest. We have included short discussions of each in the longer version of this statement. I am prepared to discuss each one in detail, if necessary.

This concludes my remarks, Mr. Chairman, and I thank you and the members of the Committee for providing us an opportunity to present the Department's views on this important issue. Mr. Miller or myself would be pleased to answer any questions.

Senator MOYNIHAN. We thank you, Mr. Morgan. Could I just ask, is Mr. Miller's view that the 55 mile, present arrangement does not, and I quote Mr. Morgan's testimony, which is yours, also, jointly, "* * * does not appear to have any discernible correlation with highway safety"?

Mr. MILLER. Senator Moynihan, I believe our statement was that the compliance criteria in the current Federal statute do not correspond well with highway safety as, GAO found in its report, and I believe TRB found in its report. We certainly agree with the conclusions in the TRB report from 1984 that the reductions in speeds associated with lower speed limits certainly had a very important and positive influence on highway safety.

Senator MOYNIHAN. I see. That is a difference. I want that clear. I think Senator Stafford, we want to hear from him. What we are learning from GAO, and what you are confirming, is that whatever behavioral change, if any, is associated with the compliance arrangements doesn't have any correlation to safety, which does not mean that the lower speed limit doesn't have any correlation. Mr. Godwin, are you nodding?

Mr. GODWIN. Yes, sir, but it is not only the lower speed limit, but it is the lower speed behavior of the motorists, as well.

Senator **Moynihan**. But the lower speed limit does produce lower speeds, where the compliance systems may or may not do.

Mr. **Mead**. Mr. Chairman, it is the criteria by which you judge whether states are complying with the 55 mile-per-hour speed limit that we are questioning, not the safety value.

Senator **Moynihan**. Right. I want to get that very clear. Mr. Godwin, is that your view?

Mr. **Godwin**. I think our committee's report found that one of the disadvantages with the current compliance system was that it was inappropriate to encourage enforcement of minor violations in the speed limit, and since the current compliance system treated all violations equally, it was just inappropriate.

Senator **Moynihan**. I can assess that someone driving at 75 miles an hour is considerably at larger risk to the environment than someone driving 56?

Mr. **Godwin**. One of the points that our committee was trying to make, we noticed, the committee noticed in looking at the literature on this, is that there is an enforcement tolerance that is part of the tradition in traffic law.

Senator **Moynihan**. A tolerance level.

Mr. **Godwin**. And you can't expect people, you know, the people that supported 55 felt like they were supporting it when they went 57, 58, 59 miles per hour, so you have to come up with some system that reflects that expectation.

Senator **Moynihan**. The folklore of the highways is that the police won't bother if you are 3 miles over but they start bothering you at 4 or 5. But what we are saying here is that whatever conduct in the process of complying with the compliance requirements, States change behavior in some ways or they don't change behavior in some ways, but in any event, that has no safety effect, as such.

It is a very good thing to say the speed limits don't ever change.

Mr. **Deen**. I don't know that it is fair to say that our committee addressed the question of whether there was no effect of using the current compliance system. I think what they were saying was that it should be improved, and if not——

Senator **Moynihan**. Your point system suggested a plan.

Mr. **Deen**. Yes.

Senator **Moynihan**. Could I just ask, and then I will get off of this; I wonder if I could ask each of the institutions to send this committee a letter trying to describe more exactly what Mr. Meed meant, what you interpret what he meant; what you say he meant; whatever, because there is a distinction that is important, not hard to grasp, but it is important to be exact about it. I think, Mr. Miller, you should be the one to take the lead. Why don't you form a little committee here and give us a good statement of what has been said.

Mr. **Miller**. I would want to confer with my committee members, I suppose, before speaking on their behalf.

Senator **Moynihan**. Go away and spend the weekend on it.

Mr. **Miller**. We would be happy to get together to see if we could arrive at a consensus or, in the alternative, state our separate views.

Senator **Moynihan**. Right. I am quite serious. We would be very interested. It is a nice distinction and we ought to be able to deal with. Senator Stafford.

Senator **Stafford**. Thank you, Mr. Chairman. Before I do ask one question of Mr. Deen, I would ask unanimous consent that a statement by Senator Pressler be made a part of the record.

Senator **Moynihan**. It will be accepted and entered into the record.

[Senator Pressler's statement follows:]

Opening Statement of Hon. Larry Pressler, U.S. Senator From the State of South Dakota

Mr. Chairman, thank you for holding this hearing on issues relating to the 55 mile-per-hour and 65 mile-per-hour speed limits.

It is fitting that today we address the many issues which pertain to these speed limits. By reviewing these issues, which include criteria for speed limit monitoring, practices of enforcement, and oversight by the Department of Transportation, we will be better able to work together to assure a safe highway transportation system.

I am particularly interested in learning more about the findings from the several studies which recently have been conducted. These results should give us further insight into the effect the different speed limits have on safety.

Again, Mr. Chairman, thank you for scheduling this hearing. I look forward to hearing from today's witnesses.

Senator **Stafford**. Mr. Deen, if I understood your statement correctly, and you can tell me if I didn't, I understand that you believe that whatever the means of certifying the 55 mile-an-hour speed limit compliance may be, good or bad, and whatever the States actually have done, that the 55 mile-per-hour speed limit probably has saved 2,000 to 4,000 lives per annum since it came in effect; am I right in that?

Mr. **Deen**. That was the finding of the committee in 1984. I think the committee would acknowledge, and I believe the report states that the effect of the speed limit, in saving lives, is probably diminishing gradually over time, in part because of the implementation of other safety measures, where a person crashing into a stone wall or a merger barrier in 1974 might die, whereas today, with the crash cushion in place, he might not, even though he is exceeding the speed limit.

So other factors are gradually influencing, as well as the fact that speeds are creeping up a little bit. But 2,000 to 4,000 was their best estimate at the time they did the study, yes, sir.

Senator **Stafford**. You have heard Senator Heinz testify earlier, I think. Did you hear him make a statement that I asked him about that there had been a 52 percent increase in fatalities on the rural Interstates, where the speed limit had gone up to 65 miles an hour? Would you have any differing view from that?

Mr. **Deen**. That is my understanding, though I don't know anything about the studies that have been done. I have read the newspapers, and I have heard the testimony, but we have not done an analysis of those. I understand it would be very preliminary, and I would expect that if we were asked to make a comment on that, we would want to get into a disaggregation of those figures and see where those increases are taking place and whether, in fact, it has some relevance to the question of rural speed limits.

Senator **Stafford**. All right. Thank you.

Thank you, Mr. Chairman.

Senator MOYNIHAN. Could I ask Mr. Miller if your organization has done anything in looking at those numbers?

Mr. MILLER. Yes, sir, Senator Moynihan. We have. We were asked and, indeed, were planning on our own to conduct an in-depth study of what effect, to the extent an effect can be measured, the new speed limits would have on rural interstates.

We have outlined a detailed study plan, both short term and long term, which we have provided to our Appropriations Committees. We would certainly be happy to provide it to this Committee as well.

Senator MOYNIHAN. Would you do that? [See p. 111.]

Mr. MILLER. The first report that we will be supplying in that series should be available sometime in early April. Now, that will still be very much in a preliminary nature, because we will have had the opportunity to analyze only a few months' worth of data from 1987 for purposes of that report.

But we think it is an interesting issue and an important issue and one that deserves very careful consideration and not any speculation based on partial or preliminary data.

Senator MOYNIHAN. I ask Mr. Morgan, did the Federal Highway Administration oppose the legislation of this committee in 1974? Did you say then that you felt that?

Mr. MORGAN. No, sir.

Senator MOYNIHAN. FHWA was for it?

Mr. MORGAN. Yes, sir.

Senator MOYNIHAN. So there is a change in your position?

Mr. MORGAN. No, no, sir, not necessarily. The 1974 legislation was the speed limit legislation with the certification. It did not contain the monitoring.

Senator MOYNIHAN. It is the 1978 legislation, then.

Mr. MORGAN. Yes, sir.

Senator MOYNIHAN. Were you opposed to the 1978 legislation?

Mr. MORGAN. I can't say for sure, Mr. Chairman. I doubt if we were.

Senator MOYNIHAN. You could say for the record?

Mr. MORGAN. Yes.

(For the record, FHWA was not opposed.)

Senator MOYNIHAN. The limits, you don't mind the limits, but you would like to leave it so that States have to comply; if they haven't posted the road higher than the limit, to leave them to the States?

Mr. MORGAN. Absolutely. Yes, sir.

Senator MOYNIHAN. Senator Burdick?

Mr. MORGAN. Mr. Chairman, that is a departmental position, not just a Federal Highway position.

Senator BURDICK. I was just told that in one year of operation, the fatalities on the Interstates in North Dakota dropped from 5 to 4 deaths, so there is some place where it is working.

Senator MOYNIHAN. See, that proves that 20-percent decrease.

Mr. MILLER. That is precisely the problem with making judgments based on small data. From the preliminary data that we have seen so far for just a short period in 1987, we have seen differing results in different States. In some States, there have been reductions; in other States, there have been increases. We think to make a responsible judgment on the safety impact, one ought to look not only at fatality data, but also at injury data and crash data.

Senator MOYNIHAN. Don't come to us with something that you won't want to have to disavow in a year's time. You have a long institutional reputation to maintain, and I am sure you will do it.

I would like to thank all of the witnesses and Mr. Mulvey and Mr. Godwin, we welcome you; and Mr. Miller, you are now chairman of the committee.

We now have a panel of persons who do this work. We would like to welcome now Mr. Franklin E. White, who is the Commissioner of the New York Department of Transportation; Mr. Elden G. Spier, who is the Director of the Drivers License and Traffic Safety Division of the North Dakota State Highway Department; and Mr. Matthew J. Gill, Jr., who is Director of the Rhode Island Department of Transportation

Senator STAFFORD. Mr. Chairman, if I could, Senator Chafee has asked me to say to Mr. Gill that he deeply regrets he is unable to attend this hearing. He had hoped to, but a very urgent matter has called him back to Rhode Island, and on behalf of Senator Chafee, I would like to extend his welcome to you, to this Committee and to these hearings and say that prior to assuming duties as Director, Mr. Gill was Vice President of the Fleet National Bank in Providence and also served as Assistant Director of the Rhode Island Department of Corrections.

So Mr. Gill, for Senator Chafee and myself, as well, welcome to our Committee.

Mr. GILL. Thank you very much, Senator.

Senator MOYNIHAN. Gentlemen, could I ask my colleagues something? I observe that there is a roll call vote that has just commenced. Do you think it would be best to go and vote and then come back, instead of getting up when five bells go and we walk out like we are Supreme Court Justice or something? If you will excuse us, the Committee will stand in recess for 10 minutes.

[Short recess.]

Senator MOYNIHAN. We would like to thank our witnesses for their courtesy in allowing us to get off to vote on this filibuster that we have been engaged in for a couple of days.

Senator Burdick will be back here in just a moment, so I am going to take the liberty, since I must leave for a meeting of the conference on the Trade Bill, to ask if Commissioner White, if you wouldn't lead off, sir.

STATEMENT OF FRANKLIN E. WHITE, COMMISSIONER, NEW YORK DEPARTMENT OF TRANSPORTATION

Mr. WHITE. Thank you, Senator. As chairman, please allow me to begin by thanking you for this opportunity to present the views of the Empire State regarding the 55 and 65 mile-per-hour national speed limits, which are the focus of today's hearing.

Senator Moynihan, your interest and leadership on this and other transportation matters have been a source of strength to the transportation community in New York, and as Transportation Commissioner, let me say how much this is appreciated and respected in your home state.

As requested, the full text of our comments have been submitted to committee staff for the record.

Senator **Moynihan**. And they will be included in the record, in each instance.

Mr. **White**. I will now merely summarize its major points, some of which I recognize, Senator, have been made by both you and Senator D'Amato. However, but I do think there are some shades of nuance that are important which I will now attempt to include in the record.

First of all, New York is a leader in the fight for safe highways in this country. We have all the usual obstacles to safe highways, plus some special problems of our own, and yet we can point with pride to the fact that our fatality rates are well below the national average. They show a steady improvement through the years and a 33-percent reduction from the 1980 rate.

While no single factor can be credited for this record, we believe without question that the 55 mile-per-hour State speed limit is a major contributing factor in that record. Other factors include Governor Cuomo's initiatives to mandate use of seat belts, the first State in the nation to enact such a provision; the State-wide attack on drunk drivers; our 21 purchase law for alcohol; random roadside truck safety inspections, which immediately remove unsafe trucks from the State's highways; and a high level of enforcement of the 55 mile-per-hour speed limit on the part of the New York State Police.

While we make no judgment regarding the decision of other States to raise their speed limits on rural interstate highways to 65, we believe that maintaining the 55 mile-per-hour limit in New York is a significant factor in saving lives, and we plan to stick with it.

Over the last few months, a major source of concern to us has been the threatened loss of Federal highway aid. Whatever the intention, the fact seems to be that New York, for deciding to keep in place what we know to be a safer speed, is scheduled to be penalized for doing so. We are at a loss to understand the rationale of not requiring speed monitoring for the 65 mile-per-hour highways while retaining that requirement for the safe 55 mile-per-hour roads. Along with you and Senator D'Amato, we have said so.

After all the numbers are recited, as we do in our statement for the record, the facts are these: We maintain a heavy enforcement program for the 55 mile speed limit in a rational, fair and cost-efficient manner. We have spent more than $45 million a year to do so, and we plan to spend even more this year.

We issued more than 18 citations for speeding along every mile of 55 mile-per-hour highway in the State during 1986, and that amounts to one for every 300 feet.

These tickets represent a rate that is 23 percent more than the average in all other States that year; and in 1987, we cited drivers nearly 350,000 times for violating the 55 mile-an-hour limit, a record for New York, and we expect to issue even more than that this year.

Can we do better in New York? We believe we can. Are we committed to doing better? We definitely are. Should we be subject to Federal penalties for being this deeply committed to the cause of highway safety? We think not.

We want to be as helpful as we can in bringing about changes in Federal law which would eliminate the inequity in the program and which would administratively modify the speed sampling provisions so that representative speeds will actually be reported. I won't go into our criticisms of the monitoring provisions that are now being used. They generally have been covered in the discussions that have preceded us.

One significant point, however, which has not yet been covered is the provisions of the FHWA directives for how the monitoring stations are to be placed, under which we in New York have had to exclude roughly 40 percent of New York's 55 mile-per-hour urban interstate highways from the sample that is used to estimate the percentage of drivers exceeding the speed limit. These provisions relate to the closeness of monitoring stations to interchanges, curvature and other matters dealing with roadway geometry. What this has done, we believe, is to absolutely distort the reported average driving speed in New York, where closely spaced interchanges are not untypical.

The average driving speed in New York is not what it is reported to be in the statutory report we are required to submit. Our report, which shows 50.6 percent, of the drivers exceeding 55 miles an hour, is why we are at risk. This is not an accurate depiction of the picture in New York, because the speeds on 40 percent of our urban interstate highways are not permitted to be included in the report.

So that point was not made earlier, and I think that point needs to be in the record. If the sanction provision is to be retained in Federal law, we, in New York, would like to encourage legislation that, at a minimum, removes the inequity in the present law regarding monitoring requirements, and we urge the Federal Highway Administration to administer the present law so the speeds that are monitored are more representative of actual conditions in the State.

To go further, we suggest Congress consider the corrective action within the context of the objective the legislation is intended to serve. That, of course, was covered by earlier speakers suggesting a weighted method in determining whether sanctions should be applied.

Senator MOYNIHAN. The National Research Council?

Mr. WHITE. Yes.

We have addressed all of these proposals in our written presentation. I believe New York's efforts and record in behalf of safety are excellent. Our enforcement efforts are, as I have described, on a high level. I do not believe a Federal penalty is required or appropriate in this instance. A penalty only results, as has been said earlier, in detracting from New York's ability to carry out its great interest in highway safety.

Again, I thank you, Mr. Chairman, and Senator Symms, for the opportunity to present New York's views today.

Senator MOYNIHAN. Thank you, Commissioner, and I think it is appropriate to say to your colleagues, they know, but the record should know, that the Interstate highway system was designed by one of your predecessors, a great civil engineer, Bertram Talomine, who was Commissioner of Transportation in New York under President Eisenhower; went down to design the Interstate system; built it exactly as we built the New York State freeway, which is the first segment of the system, carries out to one of the world's largest public works systems of the world, and he probably never made $40,000 a year in his life, but he built one hell of a set of roads. Thank you, Commissioner.

Mr. WHITE. Thank you, Senator.

Senator MOYNIHAN. As I explained to you, I have to be at a mark-up of our tax legislation, the Tax Bill, so I am going to ask our distinguished chairman if he would continue this hearing.

Chairman BURDICK. I am very pleased to welcome Eldon Spier to our hearing this afternoon. My good friend Walt Hjelle, who is the Commissioner of the North Dakota State Highway Department, was unable to attend today, so he said he would send one of his most highly-regarded persons, and he did.

Mr. Spier is widely-recognized around the country for his knowledge regarding highway safety issues and programs. He is Director of the Drivers License and Traffic Safety Division for the North Dakota State Highway Department. The skill with which he runs his division is evident in the that North Dakota enjoins one of the Nation's lowest motor vehicle accident and fatality rates. This is a rate, I am happy to say, that has not changed since the speed limit has been increased to 65 miles per hour on our rural interstates.

Mr. Spier, thank you for coming and please proceed with your testimony at this time.

STATEMENT OF ELDEN G. SPIER, DIRECTOR, DRIVERS LICENSE AND TRAFFIC SAFETY DIVISION, NORTH DAKOTA STATE HIGHWAY DEPARTMENT

Mr. SPIER. Thank you, Mr. Chairman, for the opportunity to present the information before the Committee today. These United States comprise a vast area. There are so many different driving conditions as one crosses this country that a 55 mile-per-hour national speed limit is not realistic. North Dakota wants total repeal of the 55 mile-per-hour national maximum speed limit.

We would like to go one step further and see the Federal government back out of the speed limit issue altogether; let each State decide its own speed limit, as we did prior to 1973. Let's put an end to the political maneuverings that accompany any 55 mile-per-hour compliance formula. The existing formula only considers whether an arbitrarily selected 50 percent of a State's motorists exceed 55 miles per hour.

No one formula can possibly be fair to States as disparate as Alaska and California. North Dakota varies from a ranking of 4 to 7 to 25 to 22, depending on which of California's four new formulas is used.

Where do we really stand? We in North Dakota commissioned a study of alternative formulas for determining compliance with the

55 miles per hour. Depending on which of the 18 formulas we developed, North Dakota ranked anywhere from first to 43d, according to which factors were more heavily weighted.

Each formula adversely affects some States. Let's cut the maneuverings of these formulas and look at the unadjusted data. We are tired of wasting our time and money and Federal time and money on political maneuverings.

In North Dakota, our adjusted versus non-adjusted figures vary by approximately 20 percentage points each year. The so-called adjustment formulas allow for one of the widest margins of error I have ever heard of, wouldn't you agree?

Yet, in the statistics that really matter, fatalities per miles driven, North Dakota was third lowest in the Nation in 1986 and consistently ranks as one of the safest States.

Once again, in 1987, the number of accidents in North Dakota is down by 1,100 at a time when we are being sanctioned for speed. Let's make safety a real factor, not just compliance for the sake of compliance.

How to measure compliance should be a moot point. How to make our highways safer is the overriding question. We are tired of sanctions. We are not naughty children who have been caught in the cookie jar once too often. We are responsible citizens looking out for our own best interests. Sanctions take money away from States that need the money for safety measures: removing roadside obstacles, improving skid resistance, extending sight distance, widening bridges, applying effective edgemarkings to our roads, illuminating signs better, installing crashworthy guardrail. When sanctions are imposed and States' apportionments are decreased, ultimately it is safety that is being compromised. Cutting Federal funds only results in fewer highway improvement projects being made available to those States. Accidents and fatalities aren't caused by speed limits, but by drivers. Certainly, speed is a factor in auto accidents.

It isn't, however, the only factor, or even the most important factor. There are several important considerations: alcohol, seat belts, automobile design, highway conditions, roadside obstacles and emergency medical services.

When North Dakota raised its speed limit on rural interstate highways to 65 miles per hour last April, there was no accompanying increase in fatalities. In fact, we experienced a decrease from 1986. The number of miles driven is increasing every year, yet fatalities are less than half of what they were in 1973. The average speed driven is up, but it isn't affecting anything.

There is no positive correlation between speed and speed limits and fatality rates. Yes, fatalities dropped by 22 percent in 1974. We all wanted to do our part as conscientious citizens to save energy, but as people realized energy was not the issue, they began to disregard the law.

North Dakota witnessed an even bigger decrease in fatalities, 32 percent in the 2-year period of 1983 and 1984. Because of the tougher Driving Under Influence laws, our State legislature adopted in 1983 and because of the national publicity from groups such as Mothers Against Drunk Driving, fatalities dropped dramatically.

Unlike the 5-year period following the implementation of the 55 miles per hour, fatalities have stayed at a consistently low level the past four years. During World War II, there was a Federal maximum speed limit of 35 miles per hour as an energy measure. I am sure it was also safer than 55 or 65 miles per hour, but was it realistic? Despite the lower speeds, the death rate in 1937 was 15 per 100 million vehicle miles of travel.

In 1986, the national fatality rate was 2.46; in North Dakota, it was 1.78. Prior to 1973, there was no Federal speed limit. The power to set speed limits was the responsibility of each State.

The national 55 mile-per-hour speed limit was first instituted as a temporary conservation measure, in response to the severe fuel shortage that occurred in late 1973. Energy is no longer an issue. If 55 is being kept because of the safety issue, then shouldn't accidents and fatalities, the measure of safety, be the prime consideration?

The question is: How fast is safe? Historically, speed limits have been set by the 85th percentile the speed at which or below 85th percent of the vehicles are travelling. The 85th percentile is an accepted engineering procedure. The rationale behind it is to set speed limits that one is not purposely making people break.

Engineers in the highway departments of each State should be studying the design speed of the road, the sight distance and the 85th percentile of what people are driving to determine an appropriate speed limit for each road.

During the past 10 years, the 85th percentile in North Dakota has primarily been between 60 and 65 miles per hour. Certainly, we need to stress speed enforcement at a proper speed determined by the State. Sixty-five miles per hour is easier to enforce. People drive it anyway.

Let's make law-abiding citizens out of the average motorists and set a reasonable speed limit. With the 65 mile-per-hour speed limit on rural interstates, we have over 50 percent compliance. Removing the overemphasis on speed will allow law enforcement to focus on several issues which endanger lives. Spending millions of dollars on enforcement of an unworkable law is wasting money that could be spent promoting seat belts or educating teens on drunk driving or improving commercial motor vehicle operator training.

Enforcement has an important job to do. They must be on the look-out for excessive speeding, speeds unsafe for conditions, intoxicated drivers and improper lane changes. Let's not undermine their position in the eyes of the motoring public with a law that is being broken by 70 percent of the drivers.

Incentives are usually a much better way to obtain compliance than sanctions. Federal incentives for stricter driving under the influence laws under the 408 program are working well in North Dakota. But beware that a safety-based incentive plan is nothing more than an exchange of a new set of complicated incentives for an old set of complex sanctions in the name of simplification. The word "safety" has taken on a sacred connotation in the 1980's. Of course, we all believe in safety, but the ultimate safe society eliminates all personal freedoms. We want safe roads; every State does.

Twelve States have chosen to keep the 55 mile-per-hour speed limit on their rural interstates. We can have safety and set our own speed limits. Let each state decide its own speed limit, just as each State decides how to handle intoxicated drivers on its own. This current system allowing 20 States to try 65 miles per hour on controlled access highways, other than the Interstate, only serves to heighten the general dissatisfaction with 55 among drivers in the other 30 States.

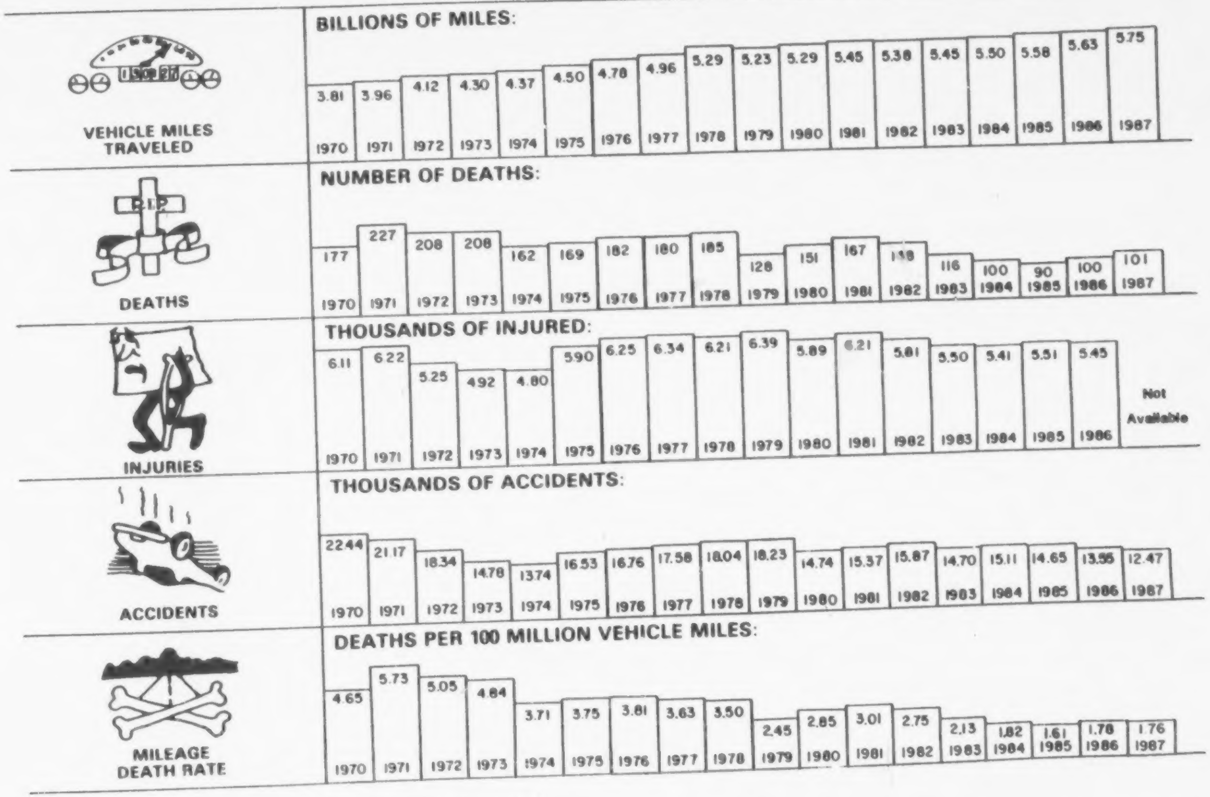
North Dakota has three recommendations: We favor complete repeal of the sanction mechanism; we favor repeal of the 55 mile-per-hour speed limit; we favor States' rights and the ability to set their own speed limits. During his State of the Union address, President Reagan recently made humorous reference to thousands of pages of congressional documents. Let's truly simplify this issue at the Federal level. Cut these Federal speed monitoring requirements altogether and eliminate a national speed limit.

Thank you for the opportunity.

[Attachments to Mr. Spier's statement follows:]

FIGURE 1

NORTH DAKOTA TRAFFIC TRENDS: 1970-1987

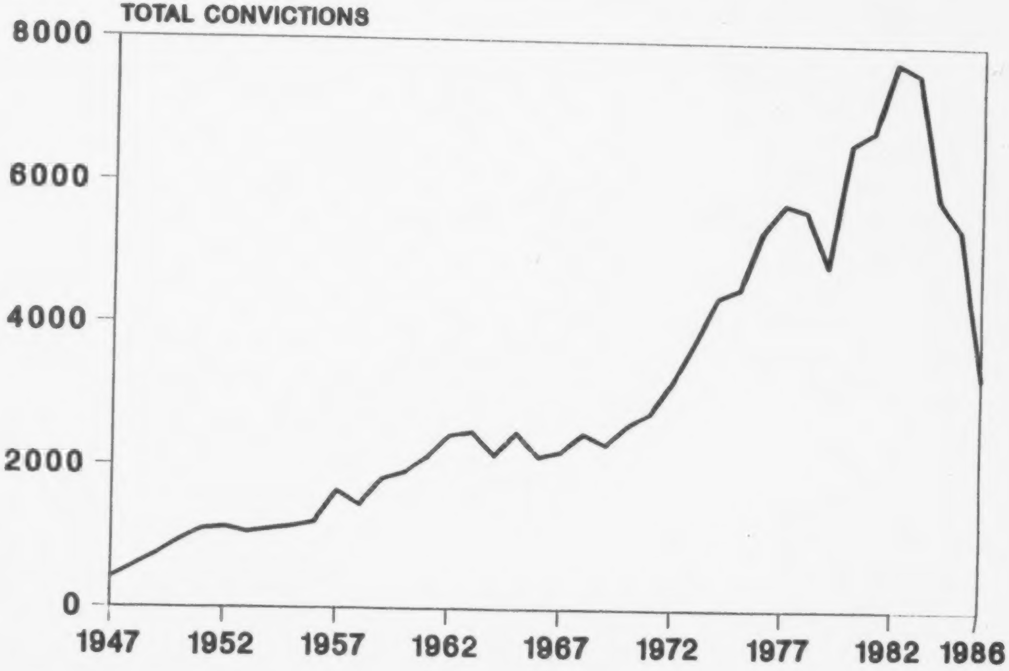


Source: North Dakota State Highway Department

Date: February, 1988

FIGURE 2

NORTH DAKOTA ALCOHOL CONVICTIONS 1947-1986



SOURCE:NORTH DAKOTA STATE HIGHWAY DEPARTMENT
DATE:FEBRUARY, 1988

FIGURE 3

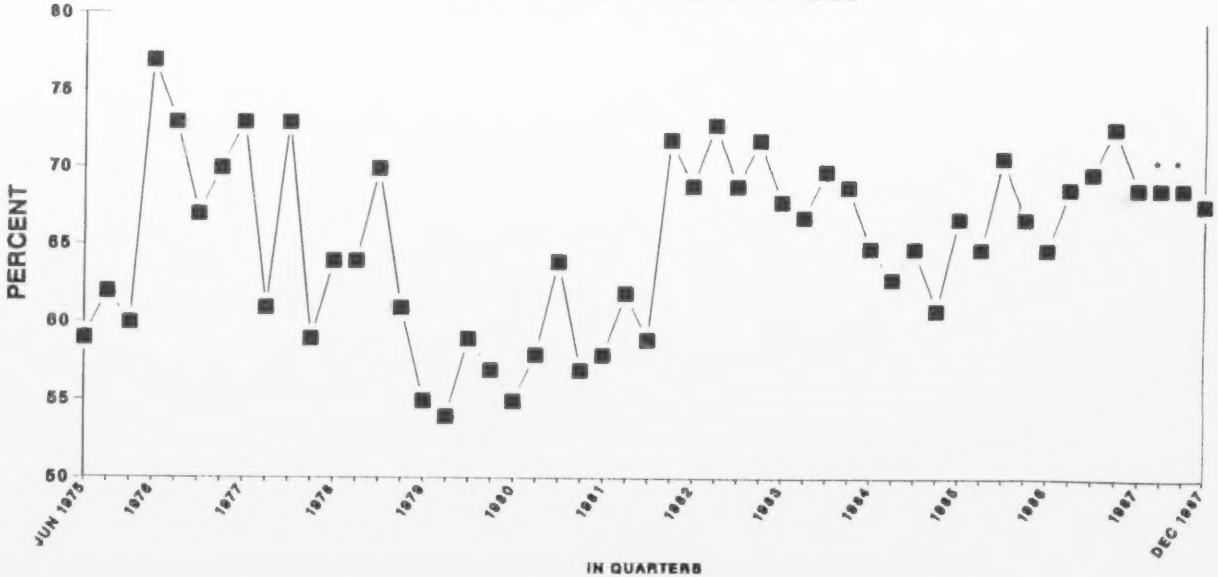
NORTH DAKOTA SPEED DATA
PERCENT EXCEEDING 55 MPH

YEARS	ADJUSTED	UNADJUSTED
1987	51.76	69.95
1986	49.52	66.87
1985	49.74	68.53
1984	48.23	66.3
1983	49.91	68.96
1982	47.2	66.1

SOURCE:NORTH DAKOTA STATE HIGHWAY DEPARTMENT
DATE:FEBRUARY, 1988

FIGURE 4

SPEED MONITORING SUMMARY - PERCENT EXCEEDING 55
JUNE 1975 - MARCH 1987

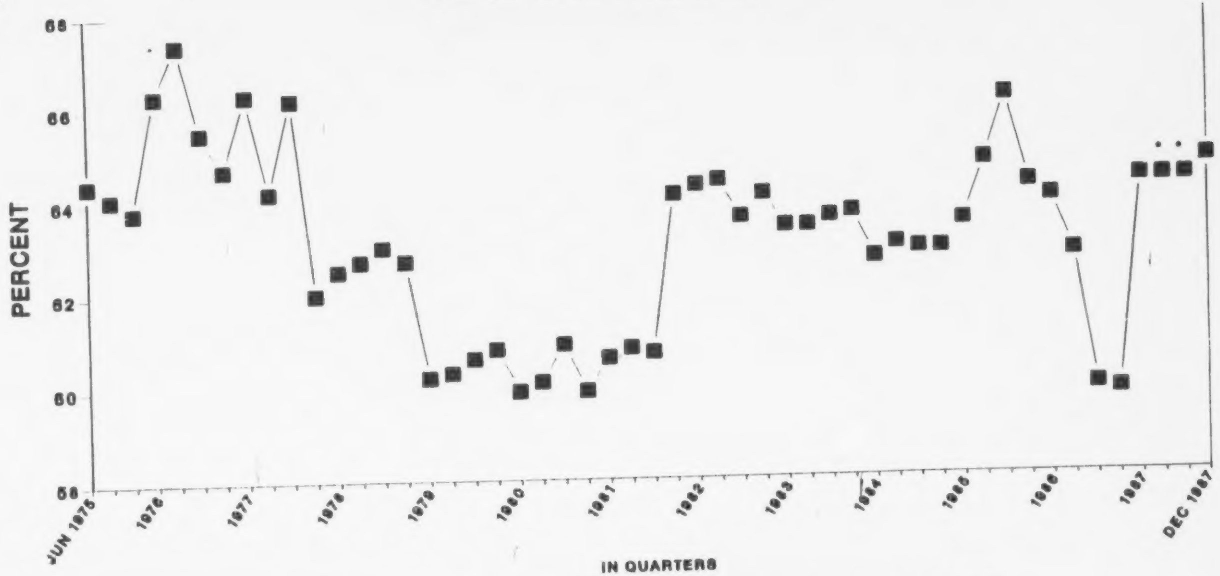


* THESE QUARTERLY REPORTS WERE INVALID BECAUSE THEY INCLUDED RURAL INTERSTATE AREAS WHICH HAD A 65 MPH SPEED LIMIT

SOURCE:NORTH DAKOTA STATE HIGHWAY DEPARTMENT
DATE:FEBRUARY, 1988

FIGURE 5

SPEED MONITORING SUMMARY - 85th PERCENTILE
JUNE 1975 - MARCH 1987

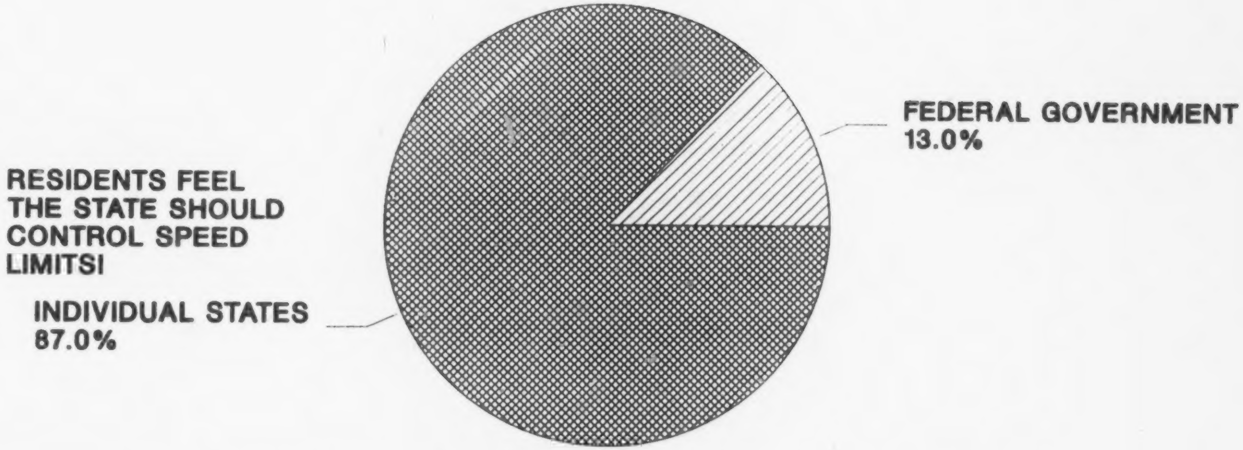


* THESE QUARTERLY REPORTS WERE INVALID BECAUSE THEY INCLUDED RURAL INTERSTATE AREAS WHICH HAD A 65 MPH SPEED LIMIT

SOURCE:NORTH DAKOTA STATE HIGHWAY DEPARTMENT
DATE:FEBRUARY, 1988

FIGURE 6

SHOULD THE DESIGNATION OF SPEED LIMITS BE CONTROLLED BY THE STATES OR THE FEDERAL GOVERNMENT?



RESULTS OF A SURVEY OF 6,000 NORTH DAKOTA TRANSPORTATION USERS AND PROVIDERS TAKEN NOVEMBER, 1987.

SOURCE:NORTH DAKOTA STATE HIGHWAY DEPARTMENT
DATE:FEBRUARY, 1988

FIGURE 7

North Dakota Interstate Fatal Accidents
April 7 - December 31

1984 - 4 Accidents Where the Speed Limit was 55 MPH
4 Deaths

1985 - 3 Accidents Where the Speed Limit was 55 MPH
3 Deaths

1986 - 5 Accidents Where the Speed Limit was 55 MPH
5 Deaths

1987 - 3 Accidents Where the Speed Limit was 65 MPH
3 Deaths

Source: North Dakota State Highway Department
Compiled January 21, 1987

FIGURE 8

Taken from the Final Report prepared for the North Dakota State Highway Department Development of Alternative Formulas for Determining Compliance with Enforcement of 55 mph Speed Limit

Formula Number	N.D. Rank	Formula Description
1	1	As proposed in H.R. 3129.
2	1	Weight for D changed from 2 to 1.
3	1	H.R. 3129 plus Fatal Accident Rate.
4	1	H.R. 3129 plus 2 times Fatal Accident Rate.
5	2	H.R. 3129 plus Fatal Accident Rate plus Non-fatal Accident Rate.
5	2	H.R. 3129 plus 2 times F.A.R. plus N.A.R.
7	1	H.R. 3129 plus 3 times F.A.R.
8	2	H.R. 3129 plus 3 times F.A.R. and N.A.R.
9	3	Reduce weights for non-interstate in half; i.e., ID, IOE, and 20F.
10	14	Reduce weights for non-interstate to ID, 53, and 10F.
11	13	Eliminate consideration of those exceeding limits up to 60 miles per hour (A) on interstates along with reduced weights for non-interstate; i.e., ID, 5E, and 10F.
12	17	Eliminate consideration of those exceeding limit up to 60 miles per hour on both interstate and non-interstate along with reduced weights for non-interstate.
13	1	H.R. 3129 except elimination of violators up to 60 miles per hour and reduce to 10E and 20F.
15	19	H.R. 3129 plus 20 times Fatal Accident Rate plus 5 times Non-fatal Accident Rate.
16	36	H.R. 3129 plus 20 times F.A.R. plus 10 times N.A.R.
17	36	H.R. 3129 plus 30 times F.A.R. plus 10 times N.A.R.
18	43	H.R. 3129 plus 50 times F.A.R. plus 20 times N.A.R.

In order for North Dakota to have a chance at compliance, fatal and non-fatal accident rates must be considered. A minimum weighting of these factors appears in Formula 15 giving a weight of 20 to fatal accidents and 5 to non-fatal accidents.

FIGURE 9

MOTOR VEHICLE TRAFFIC FATALITIES AND INJURIES - 1986

TABLE FI-1
SEPTEMBER 1987

1986 DATA AS REPORTED
BY STATE AUTHORITIES

STATE	VEHICLE MILES (MILLIONS)	FATAL ACCIDENTS		NONFATAL INJURY ACCIDENTS		FATALITIES		NONFATALLY INJURED PERSONS	
		NUMBER 1/	RATE 2/	NUMBER	RATE 2/	NUMBER 1/	RATE 2/	NUMBER	RATE 2/
ALABAMA	34,003	968	2.85	29,186	85.83	1,081	3.18	42,530	125.08
ALASKA	4,003	89	2.22	3,675	91.68	101	2.52	5,432	135.91
ARIZONA	22,665	886	3.91	26,034	114.86	1,004	4.43	40,541	178.87
ARKANSAS	17,555	523	2.98	8,680	49.44	602	3.43	15,421	87.84
CALIFORNIA	214,913	4,683	2.18	233,004	108.42	5,253	2.44	347,351	161.62
COLORADO	26,382	507	1.92	27,863	105.61	603	2.25	41,409	156.96
CONNECTICUT	24,053	427	1.78	35,367	147.03	450	1.87	49,484	205.72
DELAWARE	5,762	119	2.07	5,994	104.02	136	2.36	8,991	156.03
DIST. OF COL.	3,287	44	1.34	3/	4/	44	1.34	3/	4/
FLORIDA	87,273	2,542	2.91	3/	4/	2,831	3.24	3/	4/
GEORGIA	56,833	1,378	2.42	52,928	93.13	1,530	2.69	80,646	141.90
HAWAII	6,971	111	1.59	7,254	104.05	120	1.72	12,893	184.94
IDAHO	7,781	220	2.83	7,187	92.36	258	3.32	10,973	141.01
ILLINOIS	74,144	1,449	1.95	122,850	165.69	1,596	2.15	184,078	248.27
INDIANA	40,780	931	2.28	3/	4/	1,038	2.55	3/	4/
IOWA	20,413	388	1.90	18,522	90.73	441	2.16	26,669	130.64
KANSAS	19,821	413	2.08	20,975	105.82	500	2.52	32,150	162.20
KENTUCKY	29,252	723	2.47	31,019	106.04	805	2.75	46,820	160.05
LOUISIANA	29,861	821	2.75	39,562	132.48	932	3.12	65,366	218.90
MAINE	10,022	190	1.90	11,775	117.49	212	2.12	17,123	170.85
MARYLAND	35,208	716	2.03	50,883	144.52	784	2.23	82,955	235.61
MASSACHUSETTS	40,745	677	1.66	3/	4/	749	1.84	3/	4/
MICHIGAN	71,981	1,431	1.99	106,266	147.63	1,594	2.21	157,377	218.64
MINNESOTA	33,806	505	1.49	27,578	1.58	571	1.69	39,785	117.68
MISSISSIPPI	19,226	670	3.48	13,167	68.48	771	4.01	24,743	128.69
MISSOURI	41,571	970	2.33	3/	4/	1,129	2.72	3/	4/
MONTANA	7,737	193	2.49	5,116	66.12	222	2.87	7,837	101.29
NEBRASKA	12,630	259	2.05	13,508	106.95	290	2.30	19,818	156.91
NEVADA	7,986	203	2.54	9,848	123.31	233	2.92	15,067	188.66
NEW HAMPSHIRE	7,913	162	2.05	7,301	92.26	172	2.17	9,956	125.81
NEW JERSEY	55,350	946	1.71	94,764	171.21	1,039	1.88	147,023	265.62
NEW MEXICO	13,171	436	3.31	15,965	121.21	499	3.79	24,344	184.82
NEW YORK	94,716	1,943	2.05	193,701	204.51	2,115	2.23	281,914	297.64
NORTH CAROLINA	52,866	1,489	2.82	71,156	134.60	1,647	3.12	113,191	214.11
NORTH DAKOTA	5,632	88	1.56	3,673	65.21	100	1.78	5,434	96.48
OHIO	81,348	1,503	1.85	112,160	137.88	1,673	2.06	178,854	219.86
OKLAHOMA	30,833	605	1.96	3/	4/	698	2.26	3/	4/
OREGON	22,741	544	2.39	24,586	108.11	619	2.72	38,737	170.34
PENNSYLVANIA	77,636	1,710	2.20	98,006	126.24	1,894	2.44	148,081	190.74
RHODE ISLAND	5,429	115	2.12	7,942	146.27	124	2.28	9,091	167.44
SOUTH CAROLINA	28,250	944	3.34	22,850	80.88	1,059	3.75	34,689	122.79
SOUTH DAKOTA	6,238	118	1.89	4,105	65.80	134	2.15	6,008	96.31
TENNESSEE	39,521	1,102	2.79	45,939	116.24	1,230	3.11	68,004	172.07
TEXAS	148,348	3,120	2.10	154,514	104.16	3,567	2.40	234,120	157.82
UTAH	12,100	277	2.29	13,794	114.00	313	2.59	21,057	174.02
VERMONT	4,778	91	1.90	3/	4/	109	2.28	3/	4/
VIRGINIA	51,726	1,002	1.94	53,313	103.07	1,126	2.18	80,937	156.47
WASHINGTON	35,993	648	1.80	46,090	128.05	703	1.95	66,707	185.33
WEST VIRGINIA	13,181	386	2.93	17,559	133.21	440	3.34	26,889	203.99
WISCONSIN	38,428	651	1.69	41,551	108.13	747	1.94	60,542	157.54
WYOMING	5,373	146	2.72	3,266	60.78	168	3.13	5,044	93.87
TOTAL 5/	1,838,240	41,062	2.23	1,940,476	122.12	46,056	2.51	2,936,081	184.78
U. S. TOTAL (EST.) 6/	1,838,240	41,062	2.23	2,251,900	122.50	46,056	2.51	3,400,400	184.98

1/ FATAL ACCIDENT AND FATALITY NUMBERS HAVE BEEN ADJUSTED TO AGREE WITH STATE TOTALS FROM FARS.
2/ PER 100 MILLION VEHICLE-MILES OF TRAVEL.
3/ DATA NOT REPORTED BY STATE.
4/ RATE CAN NOT BE COMPUTED.
5/ THE TOTAL IS BASED ONLY ON THE DATA SHOWN IN THE TABLE. IT DOES NOT REPRESENT A NATIONAL TOTAL BECAUSE OF MISSING DATA. THE TOTAL FATAL ACCIDENT AND FATALITY RATES ARE BASED ON THE TOTAL TRAVEL SHOWN ON THE TABLE. THE TOTAL NONFATAL INJURY ACCIDENT AND NONFATAL INJURY RATES ARE BASED ON A TOTAL TRAVEL OF 1,580,973 MILLION VEHICLE MILES FOR THE STATES REPORTING THIS DATA.
6/ ESTIMATES OF TRAVEL, NONFATAL INJURY ACCIDENTS AND NONFATALLY INJURED PERSONS WERE MADE BY FHWA.

taken from the Department of Transportation Highway Statistics 1986

FIGURE 10

NORTH DAKOTA FY-1987

Fourth Quarter Speed Summary Report JUL-AUG-SEP)

	System	Weight Factor	Miles	Number Sessions	Vehicles Observed	% Exceed 55mph	1987 Ave. Speed	Median Speed	85 % Speed	% Exceed 60mph	% Exceed 65mph
Interstate-Urban	IU	4.5	38.0	0	5951						
	IU	4.5	38.0	0	12473						
	Total	4.5	38.0	0	18424	57.39	56.46	56.83	62.36	21.84	5.96
Interstate-Rural	IR	23.7	533.0	0	5362						
	IR	23.7	533.0	0	2598						
	IR	23.7	533.0	0	0						
	Total	23.7	533.0	0	7960	94.37	64.56	65.63	70.05	80.81	46.49
Rural Primary and Major Arterials	RP&MA	57.0	5340.0	0	1699						
	RP&MA	57.0	5340.0	0	2763						
	RP&MA	57.0	5340.0	0	1484						
	RP&MA	57.0	5340.0	0	1022						
	RP&MA	57.0	5340.0	0	1339						
	RP&MA	57.0	5340.0	0	6640						
	Total	57.0	5340.0	0	14947	76.00	58.87	59.55	65.44	37.67	11.48
Rural Major Collectors	RMC	14.8	4205.0	0	176						
	RMC	14.8	4205.0	0	374						
	Total	14.8	4205.0	0	550	76.00	59.28	60.10	67.85	44.37	20.00
	ST TOT	100.0	10116.0	0	41881	79.52	60.17	60.95	66.75	48.18	20.79

PERCENT OF STATEWIDE VMT ON FACILITIES WITH 55MPH SPEED LIMIT = 73.76%

Senator **Burdick**. Thank you very much for your testimony. North Dakota is about to be cited for noncompliance with the 55 mile-per-hour speed limit, when it has one of the best highway safety records and the lowest number of highway deaths of any State. Assuming that there will be on-going Federal involvement, what improvements would you propose in the current procedures in monitoring State compliance?

Mr. **Spier**. I guess we would pretty much concur with what the highway safety people have indicated. Let's go back to the highway safety programs, where we identify the safety areas and mutually work on improving those.

Let's get away from the particular formula that we have to use to comply with. It seems very odd that a State like North Dakota has to take its law enforcement that have been working in the area of higher accident rates and utilize them now in the other areas just in order to keep the people from driving the magic 55 mile-per-hour speed limit.

Senator **Burdick**. Thank you.

We will now hear from you, Mr. Gill.

STATEMENT OF MATTHEW J. GILL, JR., DIRECTOR, RHODE ISLAND DEPARTMENT OF TRANSPORTATION

Mr. **Gill**. Thank you, Senator.

My name is Matthew Gill, and I am the Director of the Rhode Island Department of Transportation, a multimodal State transportation agency that has the broad responsibility to balance all aspects of transportation policy that serve the needs of the public in our State.

I am appearing before you today at the request of Senator John Chafee and on behalf of Governor Edward D. DiPrete to express a grave concern for that section of the Surface Transportation and Uniform Relocation Assistance Act of 1987 that permitted States to raise speed limits on rural sections of the Interstate system up to 65 miles per hour.

Rhode Island, with only 21 miles of rural interstate, supported this legislation because it provided flexibility to those States with long stretches of rural interstate. In our small State, raising the speed limit for the rural interstate would result in a time saving to the motorist of approximately 3½ minutes, a savings hardly commensurate with the safety benefits associated with the existing 55 mile-per-hour speed limit.

Therefore, we did not then, nor do we now, wish to raise our speed limit above 55 miles per hour. As you know, those States that exercised the option granted by the 1987 act and did raise the speed limit on rural interstates are currently not required to monitor and to report speeds on those highways.

By not having to report speed statistics on such highways, those States are no longer required to comply with Federal Highway Administration speed enforcement regulations and thus avoid sanctions for failure to adequately enforce the 55 mile-per-hour national speed limit.

Due to the speed limit changes in other States, however, States such as Rhode Island that may have chosen not to increase the rural interstate speed limit will likely experience a change in driving patterns by drivers from States that have increased their speed limit. From 1984 to 1987, the traffic stations located on Rhode Island's I-95 in a rural area show a 40 percent growth rate in the annual average daily traffic.

Undoubtedly, this large increase in traffic will result in an increase of motorists failing to comply with our 55 mile-per-hour speed limit. Nevertheless, under the current law, we are being required to monitor and report on rural Interstate highways and include these statistics in our reports to Federal highway, while States that have increased their speed limits on rural interstates are not faced with this same requirement.

Governor DiPrete and the Rhode Island Department of Transportation, with the Rhode Island State Police, have a continuing interest in promoting highway safety through adequate enforcement. Remembering that we are essentially a city State, Rhode Island has made a serious commitment to highway safety, especially as it relates to enforcement of the 55 mile-per-hour speed limit.

Over the past three years, upwards of $300,000 of National Highway Traffic Safety funds have been earmarked to our Rhode Island State Police to enforce the law. State appropriations double the Federal participation. Seventy-five thousand citations have been issued from 1985 through 1987. Utilizing weekly overtime patrols by the Rhode Island State Police, we have had a positive impact on the speeding motorist in our State. These techniques and others being employed, such as escorting the driving public, airplane surveillance, use of unmarked police cars and increase in media attention all have led to a general deterrence of speeding in our State.

Considering this commitment to highway safety through adequate enforcement, we feel it is grossly unfair to create a double standard, with no compliance requirement placed on the States that have increased their speed limit, while penalizing those States that did not choose to raise their speed limit.

It serves no useful purpose to continue monitoring speeds on rural interstate highways with speed limits of 55 miles per hour while discontinuing the monitoring on such highways with higher speed limits.

Rhode Island does not wish to be forced to consider raising the speed limit on rural interstate highways to avoid the possibility of losing Federal funds. I respectfully submit that any policy which encourages a State to sacrifice safety to avoid funding cuts is untenable and is in need of correction.

Therefore, on behalf of Governor DiPrete, I urge the Congress to expeditiously amend the existing law to treat all States equitably by eliminating the requirement to report on the percentage of motorists exceeding the speed limit on rural interstate highways regardless of the speed limit on those highways.

Mr. Chairman, thank you for allowing me the opportunity to express the views of the State of Rhode Island.

Senator BURDICK. Thank you very much. I want to thank the three members of the panel for their testimony this afternoon and thank you for coming forward. Thank you.

The next panel will now arrive: Maurice J. Hannigan, Deputy Commissioner, California Highway Patrol; James Baxter, President for Citizens for Rational Traffic Laws; Mr. Henry Jasney, Staff Attorney, Center for Auto Safety; Brian O'Neill, President, Insurance Institute for Highway Safety.

You gentlemen may proceed in the way you have been called.

STATEMENT OF MAURICE J. HANNIGAN, DEPUTY COMMISSIONER, CALIFORNIA HIGHWAY PATROL

Mr. HANNIGAN. How would you like us to start, Mr. Chairman? With myself? Fine.

Good afternoon, Mr. Chairman. I am Maurice Hannigan, the Deputy Commissioner of the California Highway Patrol, and I am here today representing both the State of California, as well as my own agency.

Today, my testimony will focus on the current system of monitoring compliance with the 55 national maximum speed limit and what we feel is an immediate need for a change in this system. I submitted my formal testimony in writing earlier and, with your permission, for time's sake, I will paraphrase my remarks from that testimony.

Senator BURDICK. It would be very much appreciated.

Mr. HANNIGAN. We, along with several of the speakers that came before me today, as I am sure some that will follow, think the 55 monitoring deficiencies demand remedial attention, and we believe that realistic alternatives to the sanction system are at hand and should be adopted. We believed this even before California was subject to sanctions, and we have, through the years, worked actively in generating different approaches to the monitoring system and, in fact, served on the National Academy of Science panel on their report, "55—A Decade of Experience," which Mr. Deen mentioned earlier.

We, of course, are interested because of the significant impacts the monitoring system has in California, and that interest is heightened by the fact that we are currently facing a sanction in the amount of $58 million of our highway funds for noncompliance of 50.8 percent.

We believe that if Federal oversight must continue to exist, the process should be equitable and based on realistic safety and enforcement principles and, certainly, safety priorities. Most importantly, the Federal oversight program should be keyed to saving lives and accident prevention, not the futile and costly on-going effort of gathering and manipulating numbers for the results of nothing more than the pursuit of 55 compliance for the pursuit of compliance alone.

There are a number of reasons to change the compliance monitoring process, but most of them relate to one of two major failings with the present system: First, that the compliance requirement is totally ineffective in promoting highway safety; second, that the process is inequitable. It fails the fundamental test of establishing an adequate base upon which to make reasonable decisions about imposing sanctions.

For example, and this has been addressed several times today, the current monitoring process makes no distinction of a vehicle traveling 57 miles an hour on an open freeway versus the vehicle traveling 85 or 90 miles an hour on a two-lane winding road.

Anybody that has any sense of priority of traffic safety must realize that the hazard of traveling on a secondary road at high speed versus that of a marginal violation on the full freeway has no comparison. Yet the monitoring process makes no distinction, and even worse, from our perspective, an enforcement perspective, it virtually compels inappropriate deployment of scarce enforcement resources, meaning that established enforcement principles must be ignored and, along with them, the emphasis on safe vehicle operation.

Safety is also adversely affected by the imposition of sanctions themselves, because sanctions inevitably withhold dollars which fund highway improvements. In reality, lives will be lost because safety improvements are delayed or eliminated by the sanction process. From our perspective, this makes no sense whatsoever, as it flies in the face of trying to improve the highway safety environment.

Now let me switch to the subject of inequities. One of the problems, for example, is how the States measure speeds. Some States classify 56 miles per hour as a violation, and therefore, not in compliance, but others set the break-off point at 55.01 mile per hour. This is almost a whole one mile-per-hour difference.

This does not seem significant until you start looking at the percentage of States that are near the noncompliance level, because that 1 mile per hour can make a 5 to 6 percent difference in their compliance rate. Based on that, in 1986, if that factor came into play with those States, almost half the nation would be under sanction.

Also, differences in the road systems can discriminate unfairly. Maryland, for example, has a predominance of interstates and high-grade highways. They typically report higher average speeds, because these roads lend themselves to faster driving. On the other hand, States with more two-lane roadways, a higher percentage of two-lane roadways, receive the benefit of averaging in their slower roads.

California has studied a wide range of alternatives to address these problems, and the solutions run the gamut, anywhere from straightforward incentives to the less desirable modification of the existing monitoring formula to reduce inequities. I would like to quickly review some of these approaches that can be considered. But before I do that, let me first state that California has been a strong supporter of the 55 mile-an-hour speed limit and intends to make no significant changes in that support, especially in the urban setting, where we know it saves lives.

Ultimately, I say, it would be desirable for the Federal government to get out of setting traffic safety priorities for the States and let them deal with their safety problems as they deem appropriate, including setting their speed limits. However, recognizing this probably is not feasible within the near future, I would like to touch upon some other alternatives that could be considered in the interim.

Because lifesaving should be the real objective of both the Federal and State governments' involvement in traffic safety, incentives obviously will achieve much more than the sanction process. As an example, awarding incentive grants to States whose mileage death rate improves in a given year will generate innovation and progress in the traffic safety arena, in my opinion.

Another option would simply be to let the governor of a given state certify to the 55 mile-an-hour speed limit being in place within their State and that they are enforcing that provision of law; and do away with the monitoring and sanctions process.

If Congress, in their wisdom, cannot accept these approaches, then examine the concept set forth in H.R. 3129 and H.R. 2, which is basically a point system, which assigns a point scale to speeds in excess of the 55 on freeways versus two-lane county roads. It at least considers the aspect of safety.

However, I should point out to you that this system will discriminate against some States, especially those that have a high percentage of two-lane county roads or two-lane State highways. The NHTSA staff has taken another approach with the H.R. 2 concept and has balanced out this problem by looking at all non-freeways and freeways alike and assigning a higher point value to speeds in excesss of 65 miles an hour. If we have to stay under Federal oversight, this would at least be a system that should be considered.

Another option would be for those states that are comfortable with the current monitoring system, to let them certify under that system. Hopefully, Congress would then establish a secondary system that those States which have difficulty with the current system could certify under. This would be a bifurcated approach which may help; but again, it still simply supports the premise of crunching numbers for crunching numbers.

Finally, California supports a safety incentive plan which would permit subtraction of points from the monitoring score based on the State's effort to improve safety. For example, if Congress adopted a new monitoring system and sanction process, and a State had, for example, a mandatory seat belt statute, you could take 50 points off the total score. Other options for point subtraction would be if a State has an aggressive drunk driving program, or a low-mileage death rate, or an aggressive 55 enforcement program; all these could be thrown in to offset the issue of sole non-compliance with the 55 mile-an-hour speed limit.

The fact is, safety is the bottom line. California concurs with the Governors Association's opposition to the philosophical basis for sanctions. Incentives are much more progressive than sanctions, but sanctions, if deemed necessary, must be fair and, most of all, must not undermine safety projects. If, in fact, a State is facing sanctions, if nothing else, that state should have the option of being able to divert those funds to safety projects that were targeted in years to come and move those up in their State transportation improvement plans for the sanction year so that they can be accomplished.

In closing, Mr. Chairman, the California Highway Patrol has always been a strong supporter of the 55 mile-an-hour speed limit. The men and women of our department issue approximately one citation every eleven seconds of the day. In doing that, we issue 3,055 55 mph citations a day. We also apprehend over 400 drunk drivers every day; and we also investigate 600 accidents.

They are the partitioners; they are the ones that take the dead out of the vehicles; they are the ones that wait in the waiting rooms of the hospitals. They know what is killing our people, and I can assure you it is not somebody driving 56 to 60 or 62 miles an hour on an open 55 freeway where the conditions permit it.

We, New York and Maryland, as well as North Dakota, all have exemplary enforcement programs. Yet, and I speak for California here, we must artificially divert enforcement resources. Enforcement balance is critical. But the threat of sanctions has forced us to the unbalanced approach.

Again, I would encourage the Federal government to withdraw from the monitoring and sanction process and, rather, join with the States in a cooperative effort to improve traffic safety across the board.

I talked about the number of speed citations we issue. I would gladly trade off every one of those speed citations for a substantial number more of drunk driving arrests, but the system will not allow me to do that. We need more flexibility, Mr. Chairman. That is what I am saying, and the monitoring and sanction process that exists does not allow it.

I thank you for your time, and I would answer any questions you may want me to entertain.

Senator **Burdick**. Thank you for your testimony today.

Our next witness is Mr. James J. Baxter, President of the Citizens for Rational Traffic Laws.

STATEMENT OF JAMES J. BAXTER, PRESIDENT, CITIZENS FOR RATIONAL TRAFFIC LAWS, INC.

Mr. **Baxter**. Thank you, Mr. Chairman. Citizens for Rational Traffic Laws has consistently advocated the repeal of the national maximum speed limit. One of our primary concerns has been and is the compliance system that was put in place to coerce State enforcement of the national maximum speed limit. Ultimately, it is our members and millions of other motorists who are ticketed, fined and inconvenienced when the States initiate enforcement crackdowns.

It is they who have their insurance premiums arbitrarily increased because they were arrested for doing what 80 percent of their fellow motorists were doing on the same day, perhaps on the same highway.

Speed enforcement for the sake of meeting compliance requirements has absolutely nothing to do with highway safety. We believe a very solid argument can be made that these enforcement crusades are, in fact, counterproductive in terms of highway safety, officer/citizen relationships and optimizing the use of enforcement resources.

Because the 55 mile-per-hour national maximum speed limit is universally ignored in the States, the States have been forced to engage in a variety of charades to pretend that there is compliance with this unpopular law.

The first line of defense used by the States and approved by the U.S. Department of Transportation to prevent financial sanctions is the use of speed-monitoring adjustments. These adjustments are based on the unlikely premise that automobile speedometers, speed-monitoring locations and speed-monitoring devices all are in error.

It is assumed all speedometers read slower than the actual speed the vehicle is moving; all monitoring stations are located in such a manner that faster traffic is over-represented in the final totals; and all speed-monitoring devices over-estimate the actual speeds of vehicles passing over them.

By applying the full battery of adjustments, an individual State can reduce its percentage of non-compliance from 68 percent, exceeding 55 miles per hour, to an acceptable 49.9 percent exceeding 55 miles per hour, thus avoiding financial sanctions.

As has been evidenced in recent years, and at this hearing, the use of adjustments has not proven sufficient to protect several States from the potential application of financial sanctions. Consequently, a host of new strategies have been developed to further distort the validity of the national maximum speed limit compliance reports. These include:

Intensified enforcement in the vicinity of speed-monitoring devices; intensified enforcement during time frames when speeds are specifically being monitored for quarterly compliance reports; rolling road blocks; relocation of monitoring stations to congested highways; relocation of monitoring stations to highways where physical-environmental restraints make it virtually impossible to drive in excess of 55 miles per hour; and the last is raising the speed limit to 55 miles per hour on highways incapable of handling higher speeds and then placing a speed-monitoring device on that highway.

It is another irony that the compliance system has always been biased against States with lower speed limits on their secondary highways. The current controversy concerning the States that have retained the 55 mile-per-hour speed limit is just another manifestation of this bias.

When all secondary roads are posted at 54 miles per hour or less, they are no longer included in the compliance system. This leaves only the limited access divided highways with the 55 mile-per-hour speed limit. It is common knowledge that 70 to 90 percent of the traffic exceeds 55 miles per hour on these highways. Consequently, States with only their Interstate quality roads posted at 55 find it almost impossible to remain in compliance with the national maximum speed limit.

In total, the national maximum speed limit compliance system has resulted in distorted and counterproductive enforcement campaigns, citizen animosity, wasted enforcement resources, misleading statistical information, preverted traffic regulations and deceptive practices on the part of regulatory agencies. Its direct and indirect impact on motorists' driving practices has been negligible to nonexistent.

There are two reasons why the compliance system has so totally failed in concept and in practice. The first is that the law, the 55 mile-per-hour national maximum speed limit it was designed to underpin, is contrary to proven and accepted traffic regulation practices.

Speed limits must reflect sound engineering consideration and public consensus if there is to be widespread compliance. The 55 mile-per-hour national maximum speed limit meets neither of these requirements.

The second and major reason for the failure of the compliance system is that it represents the focal point of a Federal effort to usurp a legitimate State function, the establishment of speed limits that reflect the wishes of the States' citizens. From philosophical and pragmatic perspectives, this is a realm of regulation that should be the sole domain of State government.

Mr. Chairman, there were a couple of issues that were raised here that relate to a report that came out around the holiday season regarding the 65 mile-per-hour speed limit and the accident rates that were experienced on those highways with the new limit. I think it is important that the Committee know and have on the record that not only was that data preliminary, it was also in considerable error.

Many of the fatalities that were recorded for 65 mile-per-hour highways actually occurred on highways that were posted at 55 miles per hour. Also, in the comparison with States that had retained 55 mile-per-hour speed limits, was included the State of Alaska. The State of Alaska does not have a rural interstate system, as we understand a rural interstate system. It qualifies for funding purposes, but it is not a limited access divided highway system.

If the Alaska data were taken out, we would find that the accident experience between the highways posted at 55 and the highways posted at 65 is almost identical. It was unfortunate that this received such publicity when, in fact, the data was so far out of whack from what really existed. Some of the States had not even had 65 miles per hour, including California and Texas, for one-third of the period of time for which they were considered as having 65 miles per hour. It should be recognized by the Committee that that data was very flawed beyond just being preliminary, and I would like that on the record.

Senator **Burdick**. Thank you.

Mr. Henry Jasny, Attorney for the Center for Auto Safety.

STATEMENT OF HENRY JASNY, STAFF ATTORNEY, CENTER FOR AUTO SAFETY

Mr. **Jasny**. Yes, Mr. Chairman. My name is Mr. Henry Jasny. I am Staff Attorney with the Highway Safety Project at the Center for Auto Safety. Mr. Chairman, Senator Moynihan was correct when he stated at the beginning of these hearings that what we are dealing with is an issue of public health and safety.

In 1978, the Senate Environment and Public Works Committee saw the need for and supported the legislation that enacted speed limit monitoring and compliance sanctions.

As it was stated in the Senate report at that time accompanying the Federal-Aid Highway Amendments of 1978:

> Some States appear lax in their efforts to enforce the law, as indicated by numbers of citations issued and lower penalties imposed for violations. To strengthen the Secretary's ability to bring about better enforcement, each State must achieve compliance with the speed limit by motor vehicles in the State.

Ten years later, we are faced with an even more problematic situation. Some States are still lax in their enforcement of the maximum speed limit to achieve the current compliance level. Our highways with the fastest speed limits have been exempted from the statutory monitoring and compliance requirements, and the United States Department of Transportation has abdicated its role in bringing about better enforcement.

Moreover, although everyone agrees and the National Academy of Sciences has shown, that wholesale elimination of the 55 mile-per-hour national maximum speed limit would increase highway fatalities, we no longer have a consensus on maximum speed limits.

These hearings offer the prospects of setting aside differences as to numerical speed limits and refocusing our efforts and attention upon securing highway safety through effective enforcement of the maximum limit, whether it be 55, 60, or 65 miles an hour, and through a vigorous commitment to Federal oversight by the Department of Transportation.

Mr. Chairman, in each and every instance of State non-compliance with the statute, the Department of Transportation has taken a wait-and-see approach to the violation. While paying lip service to the statute and implementing regulations, DOT practice has been to postpone administrative action, for years, if necessary, until the non-compliance State can show compliance in a subsequent fiscal year and render penalty determinations moot.

This has been accomplished through purposeful and continual delay in making the required compliance determinations. Unfortunately, while DOT fiddles, State violations have become more frequent, and lives are being lost on our highways.

Department of Transportation administration of the speed limit compliance program has ignored the intent of the statute and the dictates of the Department's own rules and regulations. For example, three States reported violations of the statute for fiscal 1984. These violations should have been sanctioned by the withholding of Federal funds on October 1, 1985, the start of fiscal 1986. Although DOT went through the motions, determinations of non-compliance were not made until May of 1986.

Final decisions in those cases were actually made 28 months after the end of the fiscal year in which the violations occurred; 16 months after the penalty should have been imposed; and four months after the end of the fiscal year in which the State should have been penalized.

This scenario has been repeated by DOT in every instance of non-compliance, and even as we meet here today, DOT is engaging in this wait-and-see approach to its oversight responsibilities with regard to the fiscal 1986 violations.

The Department of Transportation, in order to rationalize its policy of delay with the clear mandate of the statute, engages in a cynical and possibly illegal procedure to avoid imposing sanctions. The Department of Transportation calls this bureaucratic artifice reservation from obligation. It is neither permitted by the statute, nor authorized by DOT's implementing regulations.

The procedure of reserving from State obligational authority a full 10 percent of Federal-aid funds, undermines the statutory intent to obtain State compliance and stands common sense on its head. A case in point was Arizona's fiscal 1984 violation. On the date DOT imposed a 1 percent retroactive penalty on Arizona for its fiscal year 1984 violation, and that was January 22d of 1987 when the Secretary actually announced the penalty, the Secretary, in fact, also informed the State that it would now be able to obligate the other 9 percent of Federal funds previously reserved from obligation.

Far from giving the State the impetus to enforce the law, this tactic sends the opposite message to the State. In this context, sanctions delayed is safety enforcement denied. Since the States know that the Department of Transportation is reluctant to implement the aspects of the statute requiring sanctions, speed limit enforcement on our nation's highways receives a concommitantly lower priority from the States than it would if DOT gave teeth to the legislative sanctions.

DOT has placed its emphasis on minimizing the possible loss of Federal-aid funds to the States rather than on maximizing the protection of highway users from injury and death due to excessive speeds, as Congress had intended.

Congress can take several measures to hasten DOT action: One, make compliance data reporting to DOT due 30 days after the end of the fiscal year, with a 15-day extension for good cause shown, rather than the current January 1 date;

Two, specifically repudiate the DOT practice of withholding from obligation;

Three, reemphasize the need for DOT to determine compliance and impose sanctions by October 1 of the following fiscal year;

Four, raise the minimum penalty to 5 percent for non-compliance in a second consecutive fiscal year and thereafter.

The call for effective Federal administration of the monitoring and compliance regime, and for the imposition of timely and appropriate sanctions, is not an attempt to punish States. It was not intended to be such by Congress when they enacted the law. The goal is to attain the responsive enforcement of traffic speed limits that will save lives and make our highways safer. This is the result Congress intended to achieve by enacting compliance sanctions, and the Department of Transportation should not usurp the role of the legislature by its inaction.

With regard to monitoring criteria, the need for monitoring speed limit compliance on rural interstates and State toll roads that are posted above 55 miles per hour is self evident. It makes no sense to monitor the 55 mile-per-hour highways but to ignore the need for oversight on some 30,000 or more miles of highways which are posted at higher speed limits. This lacuna in the monitoring system undermines the efficacy of the statutory scheme and skews the results of the States' speed certification data.

The Federal Highway Administration statistics, which revealed an increase of over 50 percent in the total number of deaths on these roads in May, June and July of 1987 as compared to the same months in 1986, is a convincing argument that these roads should be monitored for speed limit compliance.

Even at the higher speed limits, we can restrict the increase in the number of deaths and serious injuries by assuring that the states adequately enforce those speed limits. Monitoring for compliance is a simple way to save lives on the highways now posted at 60 and 65 miles per hour.

For this reason, the bill introduced by Senator Heinz, S. 2041, for himself and Senators Simon, Pell, and Proxmire, has the Center's support as a direct and simple means of closing the safety loophole created by last year's speed limit legislation.

The issue of altering the present criteria for speed limit monitoring is complicated and deserves your attention. The currently employed system permits States to place monitors on upgrades and curves; traffic speeds are inherently lower there than on tangent sections of roadway. Furthermore, the present simplified formula method for computing adjustment factors permitted by the Department of Transportation results in a large statistical shift between unadjusted and adjusted data.

This method permits adjusted totals that can be as much as 20 percent lower than the unadjusted figures. Congress, the National Academy of Sciences and even agency officials recognize that the present method is a statistical game that employs adjustment factors in order to create the appearance of compliance.

The need for a straightforward, fair and realistic method of computation should be based upon the raw data retrieved by highway monitors, modified only by appropriate statistical measures required by accepted mathematical procedures. This could then be converted into a point system, such as that proposed by the Transportation Research Board in its special report 204, which would be weighted to emphasize high-speed violations and speeding on comparatively more hazardous classes of highways. This method of computation would better accommodate State enforcement resources and safety concerns.

In conclusion, the Center urges the subcommittee to reinvigorate the speed limit monitoring compliance system and to alter the course the Department of Transportation has set for compliance sanctions in order that these strategies may be translated into increased highway safety.

Thank you, Mr. Chairman. I will submit my full remarks for the record.

Senator **Burdick**. Thank you. Thank you for your testimony.

The last witness is Brian O'Neill.

STATEMENT OF BRIAN O'NEILL, PRESIDENT, INSURANCE INSTITUTE FOR HIGHWAY SAFETY

Mr. **O'Neill**. Mr. Chairman, in the interest of time——

Senator **Burdick**. Could you suspend a moment. Senator Warner has just walked in. Do you have an opening statement?

Senator **Warner**. Mr. Chairman, forgive me. I just wanted to come by and pick up the general thrust of what we are trying to achieve here today. I have been in three other meetings this afternoon.

Senator **Burdick**. Okay.

Mr. **O'Neill**. Mr. Chairman, in the interest of time, I would like to ask that my full statement be put in the record, and I will just summarize the key points.

Senator **Burdick**. Without objection, it will be so ordered.

Mr. O'Neill. The key issues in the debate on this subject relate to whether motorists would drive faster because of higher speed limits and whether higher deaths and injuries would increase. These are still the key issues one year after the debates. The difference is that we now have a great deal more information that is relevant. We now have information, in fact, that begins to tell us what some of the effects of the 65 mile-an-hour speed limits really are.

Let's take the question of deaths. In 22 States, where the speed limits were raised from 55 to 65 miles per hour last year, deaths on rural interstates during May through July jumped dramatically, increasing 31 percent, compared to the average for the same months in the previous 5 years.

The chart on the left shows these data. They clearly indicate the increase, and it is much greater than can be explained by normal year-to-year fluctuations. Contrary to what you heard from Mr. Baxter, these are not preliminary data. These are final data. The conclusions that may be drawn from these data may still be somewhat preliminary, but the most obvious and compelling explanation for this jump in deaths is the higher travel speeds on rural interstate highways that have followed the 65 mile-an-hour speed limits.

Evidence of the increasing travel speeds with 65 mile-per-hour speed limits comes from several States. One such State is New Mexico, which was the first State to go to the 65 mile-an-hour speed limit. One week after the speed limit was raised in New Mexico, our studies indicated that only 5 percent of the passenger cars on New Mexico's rural interstates were exceeding 70 miles an hour. By August 1987, 10 percent were exceeding 70 miles per hour, and as late as December, speeds were still escalating; 23 percent of the passenger cars were exceeding 70 miles an hour.

Those results are shown on that chart on my right, your left, with the green bars.

We have data from last week indicating that about 20 percent of the passenger cars at that time were exceeding 70 miles an hour. Perhaps speeds are stabilizing, but certainly, we have not created a nation of law-abiding motorists by raising the speed limit to 65 miles an hour.

We are finding a similar pattern in South Carolina. In South Carolina, speed limits on the rural interstates were raised to 65 miles per hour last July. You can see on that other speed chart that the percent of vehicles exceeding 70 miles an hour in South Carolina was twice as high in January as it was before July, when the speed limit was still 55.

Meanwhile, in neighboring Georgia, where the speed limit on rural interstates remained 55 miles an hour until just last week, the proportion of motorists exceeding 70 miles an hour didn't change much.

These increasing speeds we have observed on rural interstates discredit one of the favorite arguments of those who favor higher speed limits. Many interstate highways have design speeds of 70 miles an hour, proponents of higher speeds argue, so why shouldn't speed limits be 70 miles an hour, also? The fact is the design speed of any road is the maximum safe speed that can be maintained under the most favorable conditions. It is not the recommended speed; it is the speed that shouldn't ever be exceeded.

At joint congressional hearings last year, witness after witness favoring higher speed limits testified that enforcement of 55 was lax only because that speed limit was unrealistic. Fifty-five was too slow, these witnesses said, so it was an impossible law to enforce. Sixty-five would be enforced and obeyed, the same parade of officials said, because it would be a fair speed limit and because drivers not going faster than 65 would be so few they would be easy to spot and ticket.

These expectations haven't panned out. Many passenger cars are traveling way above the 65 mile-per-hour legal speed limit on rural interstates in New Mexico, South Carolina, and elsewhere. Sixty-five mile-an-hour speed limits are fostering higher speeds. Present enforcement efforts are not deterring many motorists from exceeding 70 miles an hour. While it may be politically impossible to reinstate lower maximum speed limits, it surely isn't impossible to establish some requirements for effectively enforcing 65.

I would just like to say a few words about sanctions and compliance formulas. We hear a lot about conditions around the country being quite different, but the rural interstate highway system was basically built to the same design standards throughout the country. Why not set a compliance formula independent of the posted speed limit but one that is related to the design speed of the highway?

Sanctions for highways with the same design speeds should be independent of the posted speed limits. Why not have a sanction that says, "No motorist should be exceeding 70 miles an hour on rural interstate highways because that is the design speed of the highway," and apply that sanction irrespective of the posted speed limit?

Posted speed limits keep speeds down. They don't keep motorists below the posted speed limit, but they do affect the speeds that people travel on the highways. Look again at what has happened in Georgia. Georgia has remained with a percentage of motorists traveling above 70 miles an hour that is considerably lower than its neighboring State of South Carolina. Last week, Georgia went to 65 miles an hour on the rural interstates, and we can expect in a few months to see similar percentages of motorists in Georgia exceeding the 65 mile-an-hour limit.

Senator WARNER. We can expect what percentages at 70?

Mr. O'NEILL. At the present, in January of this year in Georgia, about 12 percent of the motorists were exceeding 70 miles an hour. The speed limit was posted at 55. In neighboring South Carolina, where the speed limit was posted at 65, twice as many motorists were exceeding 70 miles an hour. We can expect, because Georgia went to 65 last week, to see in the next few months speeds creep up in Georgia so that the percentages exceeding 70 miles an hour in Georgia will be similar to those we now have in South Carolina.

Thank you, Mr. Chairman.

Senator WARNER. Thank you; excellent testimony.

Mr. HANNIGAN. Mr. Chairman, may I ask or clarify a few points in some of the testimony that Mr. Jasny and Mr. O'Neill provided from our perspective?

Senator **Burdick**. You may go ahead. I don't want to turn this into a debate, but if you have a question?

Mr. **Hannigan**. No, I understand this, sir, but I think it is important to get this on the record to clarify a few points. The data that was released in the latter part of last year concerning May, June, and July in the States that raised the speed limit, even the Department of Transportation said that that information should be used with a great degree of discretion.

For example, in California, they told us our fatal accidents on the rural interstates went up 47 percent. They included May, June and July, and they included all the rural interstates in the State. In fact, California only changed a percentage of its rural interstates, but they included all the data from the interstates.

In reality, we changed the speed limit on May 29th and did not get most of the speed limits posted until mid-June. We went back at looked at the data, and our fatals on the rural interstate went up 3 percent, from 61 deaths to 63 deaths.

The issue of speeds going up since we changed on the rural interstate, the 85 percentile speed in California in 1986 was 65.4 miles per hour. In 1987, when the speed limit was changed during maybe a third of the year, it went up to 65.5. However, during the first quarter of this year, our 85 percentile was 64.4.

The claim that raising the speed limits on the rural interstate will bleed over into the urban setting where the speed limit is still 55 has also not been borne out in California.

On our urban freeway system, the average speed in 1986 for the Federal fiscal year 1986 is 55.8; in 1987, it dropped to 55 miles per hour; and for the first quarter of this year, it was 54.5 miles per hour. So the speed is going down; it is not going up. I think the significant issue here is there are a number of people that are not hands on practitioners that purport to be experts in the field, and they are not.

The fact remains that 6 percent of our fatal accidents on the rural interstate system involve the violation of a speed limit, and the majority of those violations are speeds involving unsafe speed for conditions, not a violation of the maximum speed limit.

In a 10-year period in California, we could only show that 2.2 percent of all our fatal accidents in the rural interstate system had anything to do with exceeding the maximum speed limit. The point being here is there is overconcentration of our resources to try and bring about compliance with the 55 mile-an-hour speed limit.

There have been comments here today that more enforcement is needed to do this. We write over one million 55 citations a year, and we make over three million arrests. We cannot defer any more than one-third of our resources to about 14 percent of our problem, because on a statewide basis, only 14 percent of our accidents involve any type of speed violation.

What is killing people, for the most part, is drunk driving in this country. The National Highway Traffic Highway Administration tells us it is 40 percent of the fatalities involve DUI. In California, it is 35 percent. Like I said earlier, I would trade that one million 55 citations for another 100,000 drunk drivers, and I will save a lot more lives, believe me. We are caught up with this continuously crunching numbers and saying, "Write more tickets for 55 and solve the problem."

The 85 percentile is basically what engineers have historically used for establishing a speed limit. Eighty-five percent of the people on the highway will drive at a speed that is reasonable and prudent for the conditions and the vehicle and the roadway.

When you have 85 percent of the people violating that law, you have got a problem, and there is no way enforcement is going to resolve that. If we were to meet the ratio of tickets that are issued in, for example, Maryland, who has an outstanding enforcement program, we would have to write almost five million 55 citations a year. Gentlemen, I purport to you that is ludicrous. That is a total waste of law enforcement resources.

My job, and I have been in this job for 25 years, is to save lives, not write speeding tickets for 62 miles an hour when it is not killing people.

I just wanted to get that on the record, and Mr. Chairman, I would also hope that you would put my written testimony in the record, too.

Senator **BURDICK**. It has all been taken.

Mr. **O'NEILL**. Mr. Chairman, I know we can't have a debate, but I would like to point out that in New Mexico and South Carolina, 24 percent of the motorists are exceeding the safe design speed of the highway, so that throws out the 85th percentile theory right there, because we have already got more than 15 percent of the motorists exceeding the safe design speeds of those highways.

Senator **BURDICK**. Any other comments before I ask a question?

Mr. **BAXTER**. Mr. Chairman, I would like something put in the record, not in the debate format, though. A report that has been mentioned today during the hearing is "55, A Decade of Experience" that was written by the Transportation Research Board. I would like pages 200 and 201 put in the record for the benefit of the Committee members.

They discuss the correlation between speed, speed limits and highway safety.

Senator **BURDICK**. Without objection, they will be received.

[The material referred to follows:]

55: A Decade of Experience

Transportation Research Board
Special Report 204

National Research Council

Washington, D.C. 1984

Appendix C
Speeding and Highway Fatalities

SUMMARY AND RESULTS

This appendix was written by Charles A. Lave, Professor of Economics, University of California, Irvine. The multiple regression analysis used in this appendix compares fatality rates at the state level to state-level measures of vehicle speeds, availability of medical treatment, and enforcement activity based on 1981 and 1982 data. Cross-sectional regression analysis is limited insofar as it is unable to control for all the potentially important variables affecting the dependent variable. Nonetheless, the relationship between fatality rates and speed variance and the surprising lack of relationship between fatality rates and average speeds described in this analysis, further suggest the need both to improve the quality of data and to extend the research in this area. The following conclusions emerged from this regression analysis.

First, analysis of the 1981–1982 data reveals no statistically significant relationship between average speed and the fatality rate. This is true for other speed measures as well: percentage of drivers exceeding 55 mph, percentage of drivers exceeding 65 mph, and 85th percentile speed. All considered, states with high average speeds do not have higher fatality rates than states with low average speeds.

Second, there is a statistically significant relationship between speed variance (the range of speeds on some given highway) and the fatality rate. When most cars are traveling at about the same speed, whether it is a high speed or a low speed, the fatality rate is low; presumably because the probability of collision is low. When there is a considerable range of speeds among cars on the highway, the fatality rate is high; presumably because this increases the probability of collision.

Third, when the effect of speed variance is held constant, there is no statistically significant relationship between the fatality rate and any other speed variable. This suggests that the variance of speed is more important to safety than average speed, but the policy implications of this relationship are unclear. First, it is not clear whether the variance of speed can be controlled independently of the average. Second, it is uncertain whether results based on cross-sectional differences will accurately predict the effects of larger differences outside the range of cross-sectional variation. Nevertheless, these results suggest that measures to control the variance of speed could be an effective component of traffic control. This might mean curbing those drivers whose speed is substantially different from that of the traffic flow (slower as well as faster). A point system, similar to the one described in Chapter 9, is a change in this direction because it encourages police to concentrate on the extreme speeders.

DATA AND METHODOLOGY

This study used multiple regression analysis to predict the variable "fatalities per vehicle mile traveled." Data points were state average figures; that is, there were 50 potential data points for each regression. Because fatality rates differ by type of highway, six different types of highways were examined separately: rural Interstates, rural arterials, rural collectors, urban freeways, urban Interstates, and urban arterials. Separate regressions were fitted to data for 1981 and 1982; thus there were 12 separate regression models, 6 highway types for each of 2 years. Data were derived from published figures of the U.S. Department of Transportation (DOT), and the U.S. Department of Commerce. Data on state speeding citations are from unpublished compilations by the DOT. States with missing data were screened out: Alaska, Hawaii, and the District of Columbia were excluded from all regressions because of their markedly atypical highways and driving conditions. Table A-8 gives the characteristics of each subset of the data. The speed variance variable is a measure of the dispersion, or range, of speeds among drivers. This is approximately bell-shaped. The average speed is about at the center of this distribution, and the 85th percentile speed is about one standard deviation to the right. Thus, the 85th percentile speed less the average is a measure of the standard deviation of observed speeds.

Senator BURDICK. I just have one question, and I think I better ask Mr. O'Neill about it, because it originated with his testimony. A month ago, the head of NHTSA, Mrs. Steed, stated:

> Conclusions should not be drawn from the small fragmentary data base which showed enormous State-to-State variability.

Why does your organization disregard the warning from this very agency responsible for the report you referred to in your testimony?

Mr. O'NEILL. Two reasons, Mr. Chairman: Certainly, if you look at individual states, whatever question you are looking at, you will get considerable variation from year-to-year. Even when you aggregate data from many states and put it together and get more stable numbers, if you just compare one year to the following year, it is very difficult to make reliable conclusions.

The data released by the Department of Transportation in their release compared 1987 statistics for May through July with 1986 statistics for May through July. That is when you hear about the 52 percent or the 46 percent increase.

What we have done is go to the same data sources and looked at the historic pattern of deaths in those months, and that enables you to draw more definitive conclusions about what is happening. There is no question, based on the data available from the Department of Transportation, that in the May through July period of 1987, there was an abnormal, unexplained jump in the fatalities on rural interstates in the 22 States reporting that data to the Federal Government.

If you exclude the month of May in response to the comment from Mr. Hannigan, because some of the States did not change their limits until part of the way through May, instead of a 31 percent increase over the average from the previous 5 years, you get a 28 percent increase.

It is the same order of magnitude; it is about a 30 percent increase. I am not going to say that the effect of the 65 mile-an-hour speed limit is a 46 or 52 percent increase in deaths. But when you look at the pattern for the last 5 years, 1982 through 1986, it is quite clear that something very unusual happened in the May through July period, and the most obvious and compelling reason that explains that increase is the higher travel speeds.

Senator BURDICK. The only reason I mention it is because I understand that this organization is a respectable organization, and I think you referred to it earlier in the testimony as a pretty reliable organization.

Mr. O'NEILL. I would say, Mr. Chairman, that they released a 1987 versus 1986 comparison, and I would urge a lot of caution when you are just comparing 1986 versus 1987. We have extended comparisons.

Senator BURDICK. The point is that they caution us that the conclusions at this particular time were based upon a fragmentary data base, they say. Maybe we should make a comparison a little later after we have had a little more experience to get a true cross-section. Is there some value to that?

Mr. O'Neill. There is no question that the more data we get, the more definitive the conclusions will be, but I think that there is clearly something unusual happening in 1987.

Senator Burdick. I want to thank you all for being here today. The meeting will be adjourned.

[Whereupon, at 5:20 p.m., the Subcommittee was recessed, subject to the call of the chair.]

[Statements and responses to additional questions supplied for the record follow:]

United States General Accounting Office

GAO

Testimony

For Release
on Delivery
Expected at
2:00 p.m. EST
Thursday
February 25, 1988

Highway Safety: Monitoring Practices to Show Compliance With Speed Limits Should Be Re-examined

Statement of
Kenneth M. Mead, Associate Director
Resources, Community, and Economic
Development Division

Before the
Subcommittee on Water Resources, Transportation,
and Infrastructure
Committee on Environment and Public Works
United States Senate

Mr. Chairman and Members of the Subcommittee:

We appreciate this opportunity to appear before the Subcommittee to discuss the results of our forthcoming report on how the states monitor compliance with the 55 mph national maximum speed limit. We reviewed this issue at the request of this Subcommittee, and we focused our work on whether state practices and procedures for collecting data on highway speeds followed federal law and Federal Highway Administration (FHWA) guidelines. We also examined the speed monitoring program in relation to the congressional goal of improving highway safety.

Our testimony today will make two basic points. First, our review of monitoring practices and procedures in six states found them to be, with only a few exceptions, in accordance with FHWA guidelines. Second, the current speed monitoring program and the basis for penalizing the states for noncompliance, in our opinion, bear little relation to the goal of improving highway safety. With regard to the second point, we wish to emphasize that we did not examine the safety benefits of the 55 mph speed limit. Instead, our review focused on the monitoring program and the basis for penalizing states determined to be out of compliance.

BACKGROUND

The 55 mph national maximum speed limit, originally enacted by the Congress as a temporary fuel conservation measure in 1974, was made permanent in 1975, after the energy crisis had abated, because it apparently saved lives. At first, the Congress required only that states certify that they were making an effort to enforce the speed law. In 1978, however, the Congress established the penalty provision whereby a state could forfeit up to 10 percent of its primary, secondary, and urban highway funds if a set percentage (currently 50 percent) of its motorists on 55 mph posted highways exceed the limit.

FHWA has issued guidelines to the states on how to select the sample of roads where speeds will be recorded, where to locate monitoring equipment, and how to conduct the speed monitoring sessions. Originally, speeds were to be recorded only under "free-flow" traffic conditions. However, in 1980, FHWA changed the guidelines to allow states to record speeds under more representative travel conditions. Most states switched to 24-hour monitoring and began to record speeds even when traffic was congested and during inclement weather.

In 1987, the Congress allowed the states to raise speed limits on rural interstate highways to 65 mph. However, states that raise the limit to 65 mph are not required to monitor motorist speeds on those roads. To date, 38 states have raised the speed limit to 65 mph on all or part of their rural interstate highways. Still, more than 500,000 miles of roads remain posted at 55 mph. These roads remain subject to speed monitoring, and the states are subject to sanctions if more than 50 percent of traffic on these roads exceeds the 55 mph speed limit. Recently, three states went out of compliance with the 55 mph speed limit law. Two of these, California and North Dakota, had raised the speed limit to 65 mph on rural interstate highways. The other state that went out of compliance, New York, has retained the 55 mph speed limit on its rural interstates.

In March 1987, the Chairman of this Subcommittee asked us to examine how state and federal agencies are fulfilling their responsibilities under the law. As agreed with the Subcommittee, to accomplish our objective, we interviewed federal and state highway and law enforcement officials in six states: Arizona, Idaho, Maryland, Maine, New York, and Vermont. Although we did not attempt to develop a statistically representative sample, we believe that these six states are illustrative of the broad range of highway conditions in the nation and of the problems that some states have experienced in complying with the speed monitoring law. Both densely traveled roads in eastern states and lightly traveled roads in western states were included.

In addition to conducting interviews and reviewing documents, we visited 63 of the 204 speed monitoring sites located in the six states to find out if they were properly located. We also witnessed several demonstrations of the different types of equipment used to collect speed data and examined the speed monitoring plans and reports of the past 5 years for the six states in our survey.

COMPLIANCE WITH FHWA MONITORING REQUIREMENTS

The information gathered from the six states that we visited indicates that their monitoring programs generally meet federal requirements. However, we did identify several problem areas, including inconsistent FHWA oversight of speed monitoring programs in the states that we visited. FHWA officials told us that they are aware of the problem and that they are planning field trips to all FHWA regional offices to reassess oversight practices and to ensure greater consistency. We also encountered several cases where speed monitoring sites were inappropriately located and some instances of possible bias in the speed data caused by state police patrol tactics. For the most part, these problems are being or have been addressed by the appropriate agencies.

Inappropriate Monitoring Site Locations

FHWA guidelines on the placement of speed monitoring sites stipulates that they should not be on sharp curves, near traffic signals, or near other unusual features that would affect travel speeds. In visits to speed monitoring sites, we found most sites were located in accordance with FHWA guidelines. However we found several that we believe were inappropriately located. These included sites near traffic lights, places where traffic merged, and speed advisory signs.

For example, of nine sites we visited in Maryland, one was between two traffic lights where it would be difficult for a vehicle to reach a speed of 55 mph if either signal were red. In New York, one of the eight sites that we visited was on a road that was not posted 55 mph throughout the 5-mile segment. It was a residential neighborhood where posted speeds ranged from 15 to 30 mph. There was a 55 mph sign at the place where speeds were being recorded, but it was hidden behind a tree. These cases were the exception, not the rule.

State Police Involvement

In each of the six states that we visited, state police officials receive copies of the state's speed monitoring statistics. In at least one state, the police receive site-specific results, and they occasionally use this information to focus their enforcement activities in areas where high speeds are recorded. This practice could bias the data collection effort, although none of the police officials with whom we spoke said they purposefully try to influence the speed data by patrolling sites during monitoring sessions.

This has not always been the case. For example, in two of the six states, patrol cars were stationed at monitoring sites while speeds were being recorded. In both cases, FHWA division officials noted the infraction and disregarded the speed data collected during these sessions.

SPEED MONITORING DATA DO NOT ALWAYS REFLECT STATE/HIGHWAY SAFETY OR ENFORCEMENT EFFORTS

We found that state compliance with the 55 mph speed law, at least as measured by the criterion that at least 50 percent of the traffic on 55 mph posted roads obey the limit, is not necessarily the best indicator of highway safety, nor does the level of compliance necessarily reflect speed enforcement efforts by state police. States with relatively good compliance records, as reflected by program monitoring data, do not always have the best highway safety records in terms of accident fatalities, and states that aggressively ticket speeders do not necessarily motivate motorists to comply with the 55 mph speed limit.

The 55 mph speed limit was made permanent, in part, because the evidence suggested that it saved lives. Although the 55 mph speed limit may enhance highway safety, we did not find any evidence that the current procedures for monitoring and judging state compliance and determining sanctions correspond to highway safety. In the states we visited, we found no relationship between the current measure of compliance (percentage of traffic exceeding 55 mph) and the fatality rate on rural interstates. For example, Idaho had the best compliance record of the six states, but also had the second highest fatality rate. On the other hand, Maine, with the second highest percentage exceeding the 55 mph speed limit, had the lowest fatality rate. (See app. I.) Other studies have reached similar conclusions.

How successful a state is in remaining in compliance is, at least in part, a function of the types of roads posted 55 mph. If a state only posts its best highways at 55 mph, it will have more difficulty staying in compliance than a state that also posts less well-designed roads at 55 mph. Vehicles will travel faster on the better roads. In addition, a state, like New York, that chooses to retain the 55 mph speed limit on rural interstates for safety purposes might find itself facing sanctions it could have avoided by raising the limit. Moreover, states with compliance problems can take actions such as raising the speed limit to 55 mph on less well-designed roads. Because traffic will normally be slower on these roads, their speed monitoring data will improve, but safety might suffer as a result.

The current standard for judging compliance does not consider the differences in road design or the seriousness of the speeding infraction. All roads that are being monitored are weighted equally in determining whether a state is complying with the speed law. Very high-speed driving on rural two-lane roads is weighted the same as a violation that is just slightly over the limit on a modern interstate highway with controlled access and multiple divided lanes. Thus, minor infractions on relatively safe roads are treated no differently from high speed violations on relatively less safe ones.

The current compliance measurement system also does not take into account a state's effort to control speeding. For example, in 1985 Maryland state police issued more than 180 speeding citations per mile of road posted 55 mph. This was between 2 and 13 times the citation rates of the other six states that we visited. Nevertheless, Maryland was unable to stay in compliance. In general, we found little relationship between state police enforcement efforts and recorded highway travel speeds.

ALTERNATIVE APPROACHES TO MEASURING COMPLIANCE AND ASSESSING SANCTIONS

A number of state officials responsible for the 55 mph monitoring program told us that the current criterion is an inappropriate basis for assessing sanctions. They believe that other factors, such as the type of road where the speeding occurs and how fast the vehicles are traveling, should also be considered. Some believe that a state's enforcement efforts, as measured by the number of citations it issues for violating the 55 mph speed limit, also should be considered before penalties are assessed. Some studies have suggested point systems where greater weight would be given to very high-speed driving and to violations on less well designed roads.

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To summarize, although we found some discrepancies in state speed monitoring practices, we believe that, on balance, the speed limit monitoring programs in the states we visited are generally in compliance with federal regulations. However, our review leads us to conclude the current compliance measurement program does not correspond with the broader congressional goal of improving highway safety. The approaches available to the states to remain in compliance, such as raising speed limits, may work against the goal of making the highways safer.

Therefore, our forthcoming report will point to the need for a reassessment of the compliance measurement program by the Secretary of Transportation. In particular, we believe that the Secretary should examine the feasibility of introducing a weighting scheme that places greater emphasis on high speed driving, violations on roads with poorer safety records, and the intensity of a state's enforcement efforts. The Secretary should report the results of this examination to the Congress and recommend any legislative changes necessary to improve the compliance monitoring system.

This concludes our prepared statement. I will be pleased to respond to any questions you may have.

COMPARISON OF FATALITY RATES ON RURAL INTERSTATES AND MEASURED SPEED, FISCAL YEAR 1985

State	Fatality rate[a]	Rank	Percent over 55 mph on rural interstates[b]	Rank
Arizona	2.09	1	84.1	3
Idaho	1.94	2	69.3	6
Maine	0.53	6	85.1	2
Maryland	0.84	5	83.3	4
New York	0.92	3	89.7	1
Vermont	0.87	4	76.3	5

[a] Measured in fatal accidents per 100,000,000 vehicle miles.

[b] Unadjusted data

Note: Rural interstates are the only system posted almost entirely at 55 mph and thereby can be compared with fatality rates on 55 mph posted roads in different states.

(342779)

GAO
United States
General Accounting Office
Washington, D.C. 20548

Resources, Community, and
Economic Development Division

April 11, 1988

The Honorable Daniel Patrick Moynihan
United States Senate

Dear Senator Moynihan:

This responds to your request for our views on alternate speed limit compliance criteria. We believe the current basis for judging compliance and assessing sanctions, that at least 50 percent of the traffic on 55 mph posted roads obey the speed limit, should be changed. The current system does not distinguish between serious and minor violations and does not take into account where the violations occurred. We believe that a point system that places greater emphasis on high speed violations and violations on roads of lower design quality would go far in improving the correspondence between the speed monitoring program and the congressional goal of improved highway safety.

Our March 31, 1988, report entitled Highway Safety: Monitoring Practices to Show Compliance Should Be Reexamined discusses several anomalies in determining when a state would be in noncompliance with the national maximum speed limit. Our report recommends that the Secretary of Transportation direct the Administrator of the Federal Highway Administration to determine the feasibility of instituting a weighting scheme which emphasizes more serious violations and violations on roads of lower design quality in deciding whether to sanction a state for noncompliance with the 55 mph national maximum speed limit. We also recommended that the Secretary report the results of this analysis to the Congress along with any recommendations for legislative changes necessary to improve the compliance monitoring system.

I hope that you find this information responsive to your request. If you have any further questions, I can be reached at (202) 275-1000.

Sincerely yours,

Kenneth M. Mead
Associate Director

GAO
United States
General Accounting Office
Washington, D.C. 20548

Resources, Community, and
Economic Development Division

April 11, 1988

The Honorable Quentin Burdick
United States Senate

Dear Senator Burdick:

In a March 7, 1988, letter Senator Moynihan asked us to address several questions raised by you relating to our recent study of state speed monitoring compliance practices. Our response to your questions is enclosed. I have also included a copy of our recently completed report to the Senate Subcommittee on Water Resources, Transportation, and Infrastructure of the Committee on Environment and Public Works - Highway Safety: Monitoring Practices to Show Compliance With Speed Limits Should Be Reexamined.

I hope our responses and the enclosed report satisfactorily address your questions. If I may be of further assistance, I can be reached at (202) 275-1000.

Sincerely yours,

Kenneth M. Mead
Associate Director

Enclosure

Responses to Senator Burdick's Questions on Speed Monitoring Compliance Issues

Q1. In monitoring the speed limit program, the Office of the Secretary, the Federal Highway Administration, and the National Highway Traffic Safety Administration are all involved within the Department of Transportation. In your study, did you find that that led to complications in administering the program?

A1. Our study found that the Federal Highway Administration was the agency primarily involved with overseeing the compliance monitoring program. We did not uncover any evidence that interagency jurisdictional problems were complicating the program. To the extent there were administrative shortcomings associated with the federal role, they related to inconsistent FHWA oversight of state speed monitoring programs. For example, in some states FHWA division officials are active in making certain the states are following federal rules and regulations regarding speed monitoring procedures, while in other states FHWA division personnel limit their involvement to reviewing the state's annual monitoring plan.

Q2. In the five-year review of speed monitoring plans and reports of States you surveyed, did you find any trends of interest?

A2. We reviewed the monitoring plans and reports of six states -- Arizona, Idaho, Maine, Maryland, New York, and Vermont. During the five year time period we reviewed, four of these states were out of compliance in one or more years. Another state, New York, went out of compliance after we finished our review. Only Idaho has always been in compliance. Two of the five states that encountered compliance problems, Maine and Maryland, resampled their road systems and were able to return to compliance with the new sample of roads to be monitored. In the case of Maine, a stretch of road where recorded speeds were very high was eliminated when the new sample was drawn. The situation in Maryland is discussed below in response to Question 3. There were no other trends of interest in these state speed reports and monitoring plans.

Q3. In a front page story in the Washington Post (March 7, 1987), a number of problems were described with Maryland's monitoring program. For example, one monitor was in a heavily congested area between two traffic lights, another on the upgrade side of a steep hill. Speed measuring was rescheduled for rainy days. Further, the article said this had been done with the blessing of FHWA. What did GAO find when it surveyed Maryland?

A3. In 1985, when Maryland found itself out of compliance and facing the threat of sanctions, it drew, with FHWA's approval, a new sample of roads to be monitored which included sites on winding and undulating roads and in congested areas. Originally monitoring was to be performed only during daylight hours, in clear weather, and in free flow traffic conditions. However, beginning in 1980 states were allowed by FHWA to monitor under a more representative set of travel conditions. States began 24-hour monitoring sessions and collected speed data on hilly or curving roads if such roads were characteristic of those in the state. Speed data were also collected during congested travel periods and during inclement weather. The argument for such a change in monitoring practice was that these situations are more typical of driving conditions and, therefore, speeds recorded under these more typical conditions would more accurately reflect the travel speeds in a state and the state's level of compliance with the 55 mph speed limit.

Maryland, however, did not switch over to the new system until it began to have compliance problems. Thus, the situation reported in the Washington Post was that of Maryland catching up to what the other states were already doing. Our own review of Maryland's speed data collection practices uncovered a site that was between two traffic lights where it would be difficult to drive 55 mph. We reported this to FHWA regional and division officials and to Maryland state DOT officials. We were told that the site would be reexamined.

Q4. What do you think of a proposal from the California Highway Patrol to allow a certain number of points to be subtracted from a State's point total based on the State's effort to make improvements in highway safety with, for example, a mandatory seat belt law or a strong DWI enforcement program?

A4. In our report we suggested that consideration be given by the Secretary of Transportation to a state's effort to enforce the speed limit as measured by citation rates in determining whether a state should be sanctioned for noncompliance. Enforcement efforts could be taken into account in judging compliance by subtracting points from a state's total, as the California Highway Patrol suggests be done for the existence of DWI programs and mandatory seat belt laws. Thus, a state that issues a relatively large number of tickets to motorists violating the 55 mph speed limit but has a point total above the critical value for remaining in compliance, might reduce the total and stay in compliance by subtracting points based on the state's enforcement efforts.

We did not consider making adjustments for other, nonspeed related safety efforts such as DWI enforcement and mandatory seat belt laws. Including such considerations in the compliance determination process would broaden the speed limit compliance program into an overall highway safety performance program.

Q5. Senator Heinz's bill S.2041, proposes extending compliance requirements to roads posted at 65. Should we instead consider applying the requirements on some of the lower-system, two-lane roads posted below 55 that may pose a greater risk than interstates or highways meeting Interstate standards?

A5. We agree that 65 mph roads should be included in the speed monitoring compliance program. It is on these roads where speeds are highest, and it seems anomalous to require monitoring if the state retains the lower 55 mph while exempting the same road for monitoring if the state raises the limit to 65 mph. Also, in most states the speed recording equipment is already in place so no additional capital expense would be incurred by including these roads. Finally, the data collected on these roads are essential for determining the safety impact of raising speed limits.

Lower-system, two-lane roads do have poorer safety records than modern interstates. Expanding speed monitoring and sanctions to include roads posted below 55 mph would greatly expand the role of the federal government. We have not studied the potential benefits and costs of expanding the monitoring and sanctions processes to include roads posted below 55 mph and so we can offer no informed judgments on possible impacts. However, as we pointed out in our report, regardless of the types of roads that are included in the compliance monitoring and sanctions program, the current system should be changed in order to distinguish between serious and minor violations and take into account the design quality of the roads in deciding whether to sanction a state. In other words, the criteria for assessing sanctions should, in our opinion, relate more closely to the congressional goal of improved highway safety.

Q6. According to New York State's testimony, FHWA's Procedural Manual promotes a bias "toward selection of monitoring sites on lower traffic volume sections of highways where speeds tend to be higher." Please comment.

A6. Speeds are monitored on a random sample of 5-mile segments of highways in each of the categories of road containing 55 mph posted roads (i.e. local roads and streets are not included.) The number of segments for each type of road in the sample depends on traffic volumes, but there must be at least two from each category. Each segment has an equal opportunity of being included in the monitoring plan. New York's complaint, as I understand it, is that because most road segments are lightly traveled a relatively few segments handle the bulk of the traffic. New York apparently feels that the equal probability of selection criterion means the likelihood that congested roads will be included is proportionately small. Thus, roads where traffic is heavier and speeds necessarily slower are less likely to be monitored than segments where traffic is free-flowing. FHWA accepted the principle that congested conditions characterize some road segments and that these should be included in the roads to be sampled. However, FHWA seeks a sample of highway segments not a sample of highway traffic conditions. New York's position appears to be that traffic volume should be a factor in deciding which roads to monitor.

Q7. Have you had the opportunity to review NHTSA's report, "Fatalities on Rural Interstate Highways"? If so, please comment on the reliability of its findings.

A7. We have not reviewed this report, but I am familiar with its basic thrust that fatalities have risen significantly on interstate highways in states that raised the limit to 65 mph during the first three months under the new law. We have also heard some of the criticisms of the NHTSA study, such as including states for which only partial data were available. Our view is that it is still too early to gauge the impact of raising the speed limit to 65 mph on rural interstates. As more data become available, we will learn more about the true impacts of the increased speed limit.

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Testimony on Speed Limit Monitoring
United States Senate
Subcomittee on Water Resources, Transportation, and Infrastructure

Thomas B. Deen, Executive Director
Transportation Research Board

February 25, 1988

Good afternoon. I am Thomas B. Deen, Executive Director of the Transportation Research Board. The Transportation Research Board is a major unit of the National Research Council, which, in turn, is the operating arm of the National Academy of Sciences and the National Academy of Engineering. I am pleased to be here this afternoon to summarize the results of our study of the 55 mph speed limit. I am accompanied by Stephen R. Godwin, one of the key staff members for that study.

As I am sure you recall, Congress asked for a study of the 55 mph speed limit in the Surface Transportation Assistance Act of 1982. The Transportation Research Board, a major unit of the National Research Council, convened a committee of experts for this purpose. Dr. Alan A. Altshuler, Dean of the Graduate School of Public Administration at New York University served as the chairman of our committee, but could not be here today. We completed our work and reported to Congress in November of 1984. Because our committee has not met to analyze developments since that time, my comments today will be limited, for the most part, to summarizing the findings of our 1984 report. I would like to stress that I believe our findings continue to be useful. Of the several topics that we have been invited to comment on, I believe the study findings are relevant to the issues of the criteria for monitoring speeds, compliance, and the relationship of the present monitoring system to improved highway safety.

BACKGROUND

Let me begin by reminding you about our committee and its charge. Then I'll turn to our findings and recommendations. Our charge was set forth in the Surface Transportation Assistance Act of 1982. It had two parts. First, we were asked to examine the safety and economic benefits of the 55 mile per hour speed limit. Second, we were asked to determine whether the laws of each state act as a substantial deterrent to violations of this national maximum speed limit. As part of our assignment we examined the speed monitoring system required of the states and made recommendations for improvements.

At the outset, let me note that the data leave wide room for differences of interpretation. We spent countless hours striving to appraise the significance of imperfect, fragmentary studies and data series. All we claim, finally, is that we carried out the most thorough review of evidence from around the world that has yet been conducted, that we approached the data without preconceptions, and that we believe we were painstakingly cautious in our interpretations. You will note that our estimates of the safety benefits of 55 are stated in terms of fairly wide ranges. This is to acknowledge the uncertainties inherent in the data. But we do feel that the data point consistently in certain directions, and that the truth does lie very probably within the ranges that we put forward.

REPORT FINDINGS AND RECOMMENDATIONS

Let's turn now to the substance of our report, beginning with just a little bit of history. You will recall that the 55 mile per hour speed limit was enacted at the beginning of 1974, during the first OPEC oil embargo. For many years previously, it should be noted, average speeds on the nation's main highways had been rising by about one-half mile per year. In 1974, however, a sharp drop occurred. Equally important, variations in speed -- that is, the differences between faster and slower moving vehicles -- also declined.

The speed limit was enacted, of course, to conserve fuel. During 1974, however, traffic fatalities, which had been rising most years and which had reached an all-time peak during 1972 and 1973, declined sharply. 9,100 fewer people died in 1974 as a result of motor vehicle accidents than the year before, the largest single year decline since World War II. As the fuel crisis receded, the 55 mile per hour speed limit was retained on safety grounds.

We devoted considerable attention in our study to appraising the actual safety impact of 55 in 1974, since that is the year in which its effects can be observed in purest form. Even then, however, it is clear that other factors accounted for part of the safety improvement that occurred.

Total travel declined about 1.5 percent in 1974. Additionally, there was a long term trend of fatality decline at any given volume of traffic of about 3 percent a year. And there is a tendency for fatality rates to decline during periods of economic slowdown. Still, the size of the 1974 decline was far greater than could be accounted for by these factors. Our best judgment is that about one third to one half the 1974 safety improvement could be attributed to the 55 mile per hour speed limit -- a savings of roughly 3,000 to 5,000 lives. For 1984, when our study was completed, the committee estimated that the 55 mph speed limit was still saving 2,000 to 4,000 lives each year, despite the modest increase in speed that occurred between 1974 and 1984.

These benefits did not come free, of course. The most significant cost of 55 is borne in the form of additional time on the road. Before the changes in speed limit policy made in 1987, the average American motorist spent about 7 additional hours per year in his or her car as a result of 55. This translated to an average of about 40 years of additional travel time per life saved. This sounds a bit disproportionate, perhaps, until we reflect that each life saved involves an average of 41 years of additional life expectancy. Thus, society gained roughly one additional year of life for each additional year that motorists spent on the road. As additional benefits, moreover, for each life saved roughly one serious injury is averted and 15 or so lesser injuries.

Most of the additional driving time occured in increments of less than three minutes per trip, and may be scarcely noticeable to motorists. However, the time costs are considerably more salient for those who rely on the highways to make a living -- long-distance truck drivers, intercity bus drivers, traveling salesmen, and so on. Not surprisingly, support for the law is weakest among those who drive the most.

The other significant cost of 55 is for enforcement over and above what might be required with speed limits such as those prevailing in 1973. Our estimate in 1984 was that speed limit enforcement cost about 120 million dollars per year.

Rural Interstates

Taking all these considerations into account, our committee achieved a consensus in support of the view that 55 should be retained as national policy. It stopped short, however, of making a firm recommendation that it should be applied everywhere. The committee was itself divided on the question of whether the states should be allowed some leeway with respect to interstate highways in rural areas. These roads represent 6 percent of all 55-posted highways, carry 19 percent of the traffic on such highways, are typically built to the highest design standards, and have low traffic volumes per mile of highway. Not surprisingly, the additional travel time per life saved on these highways is four times as great as on other roads posted at 55.

The committee estimated that a return to the speeds that prevailed in 1973 on the rural Interstates would cost about 500 lives but would save 445 million hours of travel time annually. This means that about 100 years of travel time would be saved for each life lost. In short, the time-safety tradeoff is tougher on rural Interstates than elsewhere. The committee could not agree on whether the benefit exceeded the cost in this context. Nor could it agree on whether a relaxation of 55 on rural interstates would spill over into higher speeds on other roads. There was certainly a good deal of evidence of a spillover effect in the other direction -- that is, toward slowing down -- in 1974.

Overall, the committee judged that the value choices and uncertainties involved in the decision to relax 55 on rural Interstates could Not be evaluated adequately by a group of technical experts. Thus we confined ourselves to presenting the evidence, noting that its ultimate appraisal is inherently a political task for the Congress. As we all know, Congress made that appraisal in 1987 and allowed the states to increase speed limits to 65 mph on rural interstates. In addition, that legislation did not require states to monitor speeds on 65 mph highways. Although the committee withheld judgment on the question of raising speeds on rural Interstates, it did believe that if the speed limit was increased, speeds should be monitored and strictly enforced.

State Penalties for Speeding and Compliance

This brings me to the second part of our committee's charge: namely, to assess whether the current laws of the states provide a sufficient deterrent to violations of the 55 mph speed limit. We found, to our surprise, that the strength of the penalties written into state laws correlate only weakly with actual speeds and fatality rates. Moreover, the percentage of traffic speeding on the interstate is just about the same in states with strong, medium, and weak penalties. There is evidence which suggests that motorists are more influenced by the risk of being cited at all than they are by the magnitude of the penalty. And in fact the states with weak penalties cite motorists twice as often as those with strong penalties. Overall, we concluded that there is no evidence of a direct relationship between state statutory penalties and the amount of speeding. Effective enforcement requires extensive, visible presence of officers on the road.

Compliance Measurement

Let me turn now to a topic that was not part of our original charge, but which occupied a considerable amount of our attention and which is of central interest to this subcommittee today. It is the federal procedure for monitoring state compliance with the 55 mile per hour speed limit.

The federal government requires that each state keep at least 50 percent of the traffic on roads posted at 55 at or below the speed limit, or risk losing some of its federal highway aid. The law also allows adjustments to the raw data on traffic speeds, however, for possible sampling, speedometer, and monitoring errors. These adjustments are important to the states because without them, few states would be in compliance. Indeed, some states have failed to meet the compliance standards even with the adjustments.

The problem is that the largest of these adjustments has little scientific basis. Speedometer errors are very common, for example, but they tend to cancel out and are clearly insignificant at the statewide level. We recommend, therefore, that this adjustment be eliminated. We believe that the adjustments allowed for sampling error and machine measurement error are sensible. We also reviewed the sampling plan that the Federal Highway Administration requires the states to follow in selecting sites for speed monitoring. If the sampling plan is followed, it should provide a representative estimate (within the range of sampling error) of statewide speeds on highways posted at 55 mph.

Additionally, we noted that the states are equally vulnerable to penalty at the moment because of trivial or major violations. The current monitoring approach, for example, fails to distinguish between vehicles traveling 56 mph and those going 75. Similarly, it fails to distinguish between vehicles traveling on interstate vs. secondary roads. Those traveling 75 are more dangerous than those traveling 56, however, and those speeding on two-lane, undivided highways are far more dangerous than those moving at the same speed on interstates.

Our committee believed that the national monitoring system should take cognizance of these differences, and should encourage the states to concentrate on preventing the more dangerous violations. Thus, we recommended that the current monitoring system be replaced by a point system weighting violations by road type and degree of speed violation. Among other things such an approach would be in accord with traditional speed enforcement practice, which is to allow motorists a few miles per hour of leeway above the posted speed limit.

As an illustration of the point system concept, a state would be found out of compliance if it scored more than a set number of points with speed violations weighted in the following way. Violations between 55 to 59 mph could be weighted by, say, one point, violations between 60 and 64 could be weighted by 5 points, and violations over 65 mph could be weighted by 10 points. A point system could be extended to reflect safety priorities on different types of highways as well. Fatality rates on two lane highways are from two to four times greater than fatality rates on Interstates, and speeding on these highways should be emphasized by enforcement. By weighting high-speed drivers on roads with poorer safety records more heavily, the states would be encouraged do devote their enforcment resources where the safety risk is the greatest. Such a point system proposal was put forward in section 203 of H.R. 2 in 1987. Whether the formula and weight proposed in that legislation would apply now that highways posted at 65 mph no longer have to be monitored would have to be determined, but in principle, it was in the spirit of our recommendation.

IMPLICATIONS OF CHANGES IN SPEED LIMIT POLICY SINCE 1984

In light of the expressed interest of the Subcommittee in the criteria used for monitoring speeds and the relationship of the current system to highway safety, the changes in national policy since our committee completed its work deserve some mention. At the time our committee made its recommendations, 55 mph was the maximum speed limit for all highways. Since then Congress has allowed states to increase speeds on rural Interstates, and rural highways built to interstate standards, to 65 mph. In addition, the states are no longer required to monitor speeds on 65 mph highways. Of course, we have not reconvened our committee to determine whether its recommendations apply in this context. In principle, a monitoring system that weights high speed violations more heavily than low speed violations continues to make sense.

Nonetheless, it seems to me that the changes in policy since 1984 could have some unintended consequences which may affect speed monitoring. For example, the states that keep rural Interstates at 55 mph for safety reasons will have a hard time keeping interstate traffic in compliance when the other states have gone to 65 mph. Even an improved monitoring system may, in effect, penalize states for trying to keep rural Interstates posted at 55 mph when motorists traveling through from other states expect speed limits to be 65 mph. It would be disappointing if states elected to raise speed limits to 65 mph because they wanted to avoid the potential sanctions that accompany monitoring.

Another unintended consequence of not monitoring speeds on rural Interstates is the loss of the actual data on traffic speeds. Our committee was able to make judgments about the effects of the 55 mph speed limit in part because it had long term trend data on traffic speeds to examine along with trend data on fatalities and injuries. The monitoring system provided the speed data. Even though these data were imperfect, by examining the unadjusted speed data we gained a reasonably good notion of the trend in aggregate speed behavior. Congress has charged the Department of Transportation to study the consequences of the 65 mph speed limit on safety. Without speed data that has been collected consistently by the states with higher speed limits, this will be a difficult assignment.

SUMMARY

In summary, our committee found the 55 mph speed limit to be an effective safety policy. We recommended that it be retained as national policy, but withheld judgment on whether the states should be allowed to raise speeds on the highest quality rural highways. Although our committee did not recommend higher speed limits, it certainly believed that they should be strictly enforced. We recommended that speed monitoring continue, but that it be replaced by a new method to better reflect the degree of risk associated with different types of speed violations.

That completes my comments Mr. Chairman. I appreciate the opportunity of testifying and would be glad to answer any questions that you might have.

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March 23, 1988

The Honorable Daniel Patrick Moynihan
Chairman
Subcommittee on Water Resources,
 Transportation, and Infrastructure
Committee on Environment and Public Works
United States Senate
458 Senate Dirksen Office Building
Washington, D.C. 20510-6175

Dear Mr. Moynihan:

I was pleased to testify before you and the Subcommittee on Water Resources, Transportation, and Infrastructure at the recent hearing on speed limit issues. It was an opportunity to share the results of our 1984 study on the 55 mph speed limit and to learn of both your long-standing concern about highway safety and your impressive understanding of the nature of the problems involved. Thank you for the opportunity.

Before I attempt to shed what light I can on the written questions I received from the subcommittee, it would be useful to recall the context of our 1984 study and the way in which the study was conducted. When our study began in 1983, the 55 mph speed limit had been the national maximum speed limit since 1974. There was some disagreement within Congress regarding the effectiveness of the law, and concern by some that the states were weakening the law by reducing the fines for speeding violations and by deemphasizing enforcement. Following a request made in the Surface Transportation Assistance Act of 1982, the National Research Council, through the Transportation Research Board, began a study to (1) estimate the benefits and costs of the 55 mph speed limit, and (2) determine whether state laws served as a deterrent to speeding.

In order to study these questions, the National Research Council followed its normal approach when examining controversial issues. After a careful search to identify individuals representing the necessary scientific, engineering, and other technical skills required, the National Research Council appointed an expert committee to study the issue. Efforts were made to avoid even the appearance of bias and to appoint a committee that was balanced insofar as possible with regard to areas of expertise, points of view, geography, and predilection on this issue. The committee was chaired by Dr. Alan A. Altshuler of New York University and had 18 other members with expertise in medicine, highway safety, engineering, economics, enforcement, insurance, administration, and statistics.

After the committee drafted its report, the National Research Council subjected it to a thorough review by several reviewers who were completely independent of the committee. Through this review process the National Research Council ensures that its reports are well documented and logically presented, balanced, responsive to their charge, and that they treat fairly the often conflicting private interests affected by public policy.

The committee that conducted the study completed its work when its report was issued in 1984 and was disbanded at that time. Although the Transportation Research Board (TRB) has followed the speed limit issues since 1984, we have not been involved in detailed studies related to speed limits, nor have we paid special attention to problems with compliance. Some of the questions posed by the subcommittee involve technical issues not anticipated or addressed directly by the study committee, and I am afraid that at this stage I am not in a position to provide much guidance. For some of the questions, however, our committee's findings and recommendations may still provide some useful insights. My written responses to the questions from yourself and Senator Burdick follow.

CHAIRMAN MOYNIHAN'S QUESTION

Question: In light of the concern over the current methods used to determine speed limit compliance, we are investigating alternate methods to judge speed limit compliance as it relates to highway safety. The General Accounting Office, Federal Highway Administration, National Highway Traffic Safety Administration, and your organization are being asked to develop alternate compliance criteria for consideration by the committee.

Answer: Our report recommended that the federal government change the criteria it uses for monitoring speeds in each of the states to determine whether each state is in compliance. The criteria currently in use do not adequately reflect safety priorities. To promote safety, federal law now permits the withholding of federal funds from a state in which more than 50 percent of all motorists exceed the speed limit on the roads posted at 55 mph.

As noted in its report, the committee found the rationale and magnitude of the adjustments allowed to the compliance monitoring data to be arbitrary and recommended that the current approach be replaced with a point system that attaches more significance to high speed violations than to violations just above the speed limit. The point system concept could be extended to reflect different safety priorities on different types of highways. Weights for speeding violations on different highways might be based on the different safety records of these systems. For example, since rural collectors have a fatality rate 2 to 4 times greater than the Interstates, speeding violations on these highways might be weighted accordingly.

The committee noted that its proposed point system would need extensive analysis in order to develop a workable formula, but since this issue was not central to its charge, the committee did not attempt to develop an actual formula.* I understand that several alternative point systems have been advanced in recent years, but TRB has not compared or evaluated these proposals.

SENATOR BURDICK'S QUESTIONS:

1. Does it make more sense to improve the current monitoring system or to extend the existing compliance requirements to roads posted at 65 mph?

Answer: Our study committee did not believe that the current compliance system adequately reflected safety priorities and for that reason recommended that a point system be developed. When its recommendation was made, the committee believed that it should apply to all highways where compliance was required by law. At that time, however, the 55 mph speed limit was still the maximum speed limit and all highways posted at 55 were subject to compliance monitoring. The committee's recommendation did not anticipate the current situation where highways posted at 65 mph are not subject to compliance monitoring.

2. Senator Heinz's bill, S. 2401, proposes extending compliance requirements to roads posted at 65. Should we instead consider applying requirements on some of the lower-system, two-lane roads posted below 55 that may pose a greater risk than Interstates or highways meeting interstate standards?

Answer: Our study only examined the benefits and costs of the 55 mph speed limit. The committee did not evaluate the safety consequences of speeding on roads with speed limits less than 55 mph.

3. In monitoring the speed limit program, the Office of the Secretary of Transportation, the Federal Highway Administration, and the National Highway Traffic Safety Administration are all involved within the Department of Transportation. Does this lead to complications in administering the program?

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*The discussion of the point system appears on pages 160-161 of 55: A Decade of Experience, Special Report 204, Transportation Research Board, National Research Council. 1984.

Answer: Our study examined the rationale behind the current compliance monitoring system but not the administration of it. We had no information about complications brought about by the involvement of different units of the Department of Transportation (DOT).

4. Are the States or the Federal Government collecting the information needed to do a meaningful statistical analysis of the effect the increase in the speed limit has had?

Answer: Our study committee was able to estimate the consequences of the 55 mph speed limit in part because it was able to examine changes in nationwide trends in speed behavior, travel, and fatalities on the highway systems affected by the change to the 55 mph national maximum speed limit. When the 55 mph limit took effect in 1974 average speeds declined between 4 and 7.5 mph (depending on the highway system), overall travel declined by about 3 percent, and overall fatalities declined on these same highway systems by 6,300. Many other variables are of interest, but these three -- speed behavior, travel, and safety -- are fundamental to any analysis.

Those in the DOT who are studying the affects of the 65 mph limit will have excellent estimates of traffic fatalities on the rural Interstates and will have good travel estimates as well. The speed data, however, may not be adequate, because the states are not required to collect and report speed monitoring information on highways posted at 65 mph. Although we do not know whether the states are collecting speed data on their own, we understand that only a few states have provided speed data to the DOT for its study.

Whatever changes the subcommittee proposes in the compliance monitoring system, it would be very useful to continue to require the states to report speed data for all highways, including those posted at 65 mph. The cost of such data collection is very small (the states already have the required hardware installed), and without it the ability to evaluate the consequences of higher speeds is limited.

5. What is your view of the proposal from the California Highway Patrol to allow a certain number of points to be subtracted from a State's point total based on the State's efforts to make improvements in highway safety, with, for example, a mandatory safety belt law or a strong DWI enforcement program?

Answer. Although we have not evaluated the California Highway Patrol proposal, our study committee considered an analogous proposal at some length. As noted in the study preface, the committee discussed in great detail whether there were ways to relax the speed limit on roads where the life saving benefits were relatively small and the time costs relatively large while enacting other safety actions such that a net improvement in safety would result. Most members, however, concluded that that this idea, despite its conceptual appeal, would not be technically or administratively feasible.

6. You note the care TRB took in analyzing available data for the speed limit study, 55: A Decade of Experience. Have you reviewed the National Highway Traffic Safety Administration's report, "Fatalities on Rural Interstate Highways," which was released last December? If so, what is your view of their findings?

Answer. Although TRB has not reviewed the NHTSA report in depth, I do not believe that the two studies are comparable. The NHTSA report is a preliminary tabulation of fatalities on rural Interstates for a few months of 1987 compared to a few months of 1986, and is meant to serve as an interim report. Our study, in contrast, was conducted over an 18 month period by a panel of experts who examined dozens of studies on all aspects of the 55 mph speed limit and analyzed numerous data series on fatalities, injuries, speed, travel, economic trends and others.

This concludes my written responses to your questions. As I am sure you realize, changes in federal policy over the last few years that were not anticipated by our study have diminished our ability to provide insight into the technicalities of the current compliance problem. Other than pointing out that the current system is flawed and that a better system should be devised that weights high speed violations to the speed limit more heavily than trivial ones, there is little more we can add. Nonetheless, if I or the Transportation Research Board can be of further help, I would be pleased to offer what assistance we can.

Sincerely,

Thomas B. Deen,
Executive Director

cc: F. Press
B. White
P. Smith
S. Godwin
A. Keatley

U.S. DEPARTMENT OF TRANSPORTATION
APPEARANCE OF

RICHARD D. MORGAN EXECUTIVE DIRECTOR FEDERAL HIGHWAY ADMINISTRATION	JEFFREY MILLER DEPUTY ADMINISTRATOR NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HEARING BEFORE THE SUBCOMMITTEE ON WATER RESOURCES,
TRANSPORTATION, AND INFRASTRUCTURE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE

February 25, 1988

STATEMENT OF RICHARD MORGAN:

Good afternoon. Mr. Chairman, Committee members, I am Richard Morgan, the Federal Highway Administration's Executive Director. With me at the table are Jeffrey Miller, Deputy Administrator of the National Highway Traffic Safety Administration (NHTSA) and Sheldon Strickland, Chief of FHWA's Traffic Engineering Division.

Eleven years ago this month (February 14, 1977), the General Accounting Office (GAO) released a report entitled "Speed Limit 55, Is It Achievable?" That report documented a GAO review, the objective of which was " . . . to provide the Congress with current information on Federal and State efforts to reduce vehicle speeds and to identify factors inhibiting these efforts."

At the time, the 55 mph national maximum speed limit (NMSL) had been in place just under 3 years, and the statutory requirement for each State to annually certify to the Secretary its enforcement of the speed limit had been in place just over 2 years.

A key finding by the GAO at that time was that no criteria existed by which the success of State speed limit enforcement efforts could be judged. The report went on to recommend that the Secretary establish such criteria.

That guidance was ultimately given by Congress in passage of the Surface Transportation Assistance Act of 1978. Section 205 of that Act keyed the measure for judging the success or failure of State speed limit enforcement efforts to the percentage of motor vehicles exceeding 55 mph on highways posted at 55 mph. Congress established a penalty provision under which States could lose up to 10 percent of their Federal-aid highway funds if 50 percent of the State's motorists exceeded the posted 55 mph limit.

The past 10 years have seen (1) a consistently high level of interest in the speed limit issue, (2) a thorough report (congressionally mandated) on such enforcement by the Transportation Research Board (TRB) entitled "55: A Decade of Experience," (3) the very recent allowance of 65 mph posted speed limits on certain highways, and (4) the fact that success or failure of a State's speed limit enforcement efforts, and the resulting Federal sanctions, are still judged by the percentage of motorists exceeding 55 mph on highways posted at 55 mph.

Once again the GAO has been requested to review the NMSL. Its draft report suggests that measurement based only on the percentage of motorists exceeding the speed limit on roads posted at 55 mph is not an accurate or fair means of measuring a State's enforcement performance and does not appear to have any discernible correlation with highway safety.

Also, the recent action by Congress to allow the States to post speed limits up to 65 mph on certain highways has introduced a peculiarity into the current system and brought the entire process into sharp focus. The new law provides that highways now posted with speed limits above 55 mph are not included in the criteria used to measure compliance with Federal law, just as roads posted below 55 mph have not been included. However, there has been no change in the original 1978 statutory language, which provides that all roads posted precisely at 55 mph are subject to monitoring and the compliance criteria. While that results in obvious inequities, it should be emphasized that the criteria is mandated by statute; the law does not permit exclusion of roads posted at 55, or inclusion of roads posted at other speeds.

When the States elected to raise speed limits above 55 mph on rural Interstates, one result was to exclude these roads from compliance criteria. This exclusion has no doubt contributed to the fact that several States, Arizona, Maine, Nebraska, and Utah, were able to certify compliance with the 55 mph speed limit enforcement requirements in FY 1987, whereas they were unable to do so in FY 1986. Motorist behavior hasn't changed, only the process has.

This situation results in a continual risk of financial sanctions in States that have chosen for any number of reasons to retain a 55 mph speed limit on their rural Interstates. It thus creates a subtle and inappropriate pressure on those States to raise their posted limits, an action which should be taken by State officials only if they believe it to be warranted by traffic and safety considerations.

This is another flaw in the compliance criteria that was already badly flawed. As noted in the draft GAO report, and in the 1984 TRB report, current Federal compliance criteria fails to recognize the different threats to highway safety posed by different types of speed violations. For example, the "excessive" speeders, who drive far in excess of posted limits, pose much greater risks to the public than those who travel a mile or two over the limit. Similarly, those who speed on two-lane highways pose a much greater risk than those driving on modern four-lane expressways. There are many other factors which States should and do consider in looking at speed and determining how to use their enforcement resources most effectively -- such as geographical terrain, weather conditions, traffic congestion, accident statistics, seasonal travel variations, and competing demands on police resources. By looking only at roads posted at 55 mph, Federal criteria completely ignores the very real risks of speeding on other more dangerous roads; indeed, the most dangerous roads are usually posted at lower speeds, for that very reason.

In testimony before the House Public Works Committee last March, the Department recommended that Congress should seriously consider abandoning the entire compliance and sanctioning process, returning to the pre-1978 process. This would simply require governors to certify that no road has a posted speed limit above the maximum levels imposed by Congress and that their enforcement efforts are in place. States would once again be able to determine the level of speed monitoring and speed enforcement necessary without fear of financial sanctions. We have confidence in the States' abilities to enforce their laws without detailed Federal oversight.

While we would prefer giving all authority for setting speed limits back to the States, given that Congress has acted to maintain a NMSL, the Department recommends reforming the Federal speed limit law to retain the States' annual certification that no public highway is posted at speeds in excess of the congressional limits, and repealing the compliance criteria, the sanctions for noncompliance, and Federally mandated monitoring and reporting requirements. We expect that the States would continue to monitor speeds for their own highway safety programs, and we would strongly encourage them to do so.

This approach would move in the direction of restoring the traditional and proper relationship between the Federal and State governments. States are clearly in the best position to determine where speed enforcement is needed to enhance safety, and should be able to deploy enforcement personnel accordingly, without the threat of losing Federal funds.

As part of the invitation to testify at this hearing, the Subcommittee listed several areas of concern as being of particular interest. These included the criteria used for monitoring speeds; compliance; enforcement; program oversight by the U. S. Department of Transportation; sanctions; traffic accident data; and the relation of the present monitoring program to improved highway safety. In order to be responsive to the Subcommittee's desires, we are including a short statement on each topic, and are prepared to discuss each one in further detail.

The Criteria Used for Monitoring Speeds -- The criteria used for monitoring speeds are based on the language contained in 23 U.S.C. 154(e). That section calls for measuring the percentage of vehicles exceeding 55 mph on highways posted at 55 mph, determined in accordance with criteria developed by the Secretary of Transportation which take into account variability of speedometer readings and are based on the speeds of all vehicles or a representative sample of all the speeds of vehicles.

Compliance -- Since 1978, the Federal speed limit law has specified a maximum allowable percent exceeding 55 mph. Over the past decade, different States have reported a percent exceeding 55 in excess of the statutory 50 percent maximum, some more than once. By year, the number of States have been: FY 1982, (1)-Massachusetts; FY 1984, (3)-Arizona, Maryland and Vermont; FY 1985, (5)-Arizona, California, Maine, Nebraska and Utah; FY 1986, (5)-Arizona, California, Maine, Nebraska and Utah; FY 1987, not yet verified, but apparently will be (3)-California, New York, and North Dakota. Because of the specific language in the Federal statute, States which were out of compliance in one year, but back in compliance in a later year, have had their funds restored. While the Department has commenced enforcement proceedings in each instance of noncompliance, that statutory provision had the effect of mooting the formal process before final sanctions were imposed in all cases except one. At present, there are three States subject to further enforcement proceedings: California, for FY 1986 and FY 1987, and New York and North Dakota, for FY 1987 only.

Enforcement -- Enforcement of the 55 and 65 mph speed limits, like other traffic laws, is the responsibility of the States. Citation data supplied by the States indicate that the States have very active enforcement programs (more than 8.5 million tickets for exceeding 55 mph in 1986), and that those figures have increased slightly in recent years. Within the Department, NHTSA has primary responsibility for providing technical and financial assistance to the States for programs to improve enforcement of speed limits and other traffic laws. In addition, Congress has since 1981 earmarked $20 million per year out of NHTSA's section 402 highway safety grant funds, nearly 20 percent of the total, for enforcement of the national maximum speed limit.

We believe there is a growing consensus among highway safety experts that new efforts are needed to emphasize the safety importance of all speed limits, not just 55 mph, and that renewed emphasis on speed enforcement is needed, especially in the case of "excessive speeders." Unfortunately, the current earmarking of section 402 funds limits the ability of States to develop that type of comprehensive approach, and compliance criteria in the Federal speed limit law severely distorts the State's enforcement programs. Consistent with the Department's past authorization requests for NHSTA, we recommend deleting the earmarking language of section 402. That, along with removal of the compliance criteria in section 154, will enable States to approach speed law enforcement from an effective safety-oriented perspective, consistent with their own needs.

Program Oversight by the U.S. Department of Transportation -- The collection of speed data for this program is the responsibility of each State. Program oversight and technical assistance as to its operation are provided by the Federal Highway Administration through its Division Office in each State, 9 Regional Offices and Headquarters.

Sanctions -- Section 154(f) of Title 23 United States Code requires that the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b)(1), 104(b)(2) and 104(b)(6) of Title 23 by up to 10 percent for any State where 50 percent of its motorists exceed the posted 55 mph speed limit. The regulatory process that implements this statute (23 CFR 659) provides any State in this situation with numerous opportunities to provide information explaining noncompliance or to mitigate the potential penalty. The statute provides that any

State having apportionments reduced as a result of 23 U.S.C. 154(f) has the standard period of availability of Federal-aid highway funds to once again demonstrate compliance and have the withheld funds released. (Federal-aid highway funds apportioned under those sections which are involved in any sanction due to noncompliance with the NMSL are normally available to a State for 3 years after the year for which they were apportioned.)

Traffic Accident Data --We regard speed-related accident data as serving two essential functions: To enable the States to identify high-accident locations so that they can determine the appropriate speed limits and other traffic controls, and to enable NHTSA to review data to assess the impact of speed on highway safety and specifically the impact of the new 65 mph speed limit. The first function serves the needs of the States by helping them allocate their resources efficiently; the second will assist NHTSA in meeting its general safety responsibilities and in responding to the appropriations committees' request for a report on the effects of the 65 mph speed limit. The first report, which is due in March, will contain comprehensive data for only a few months of 1987. The analysis of the full 1987 data will not be completed until September.

It is too early to speculate on the full effect of the increased speed limits. To provide a responsible analysis will require the collection and analysis of data on actual travel speeds and traffic volume on the roads with increased speed limits, as well as data on fatalities, injuries, and crash involvement. We will have to compare this data with the experience on the same roads at earlier points in time and with data from roads on which the speed limit has not been raised.

It is important to remember, in reviewing the Interstate data, that these highways are among the best and safest in the world. Although they carry 20 percent of the total traffic volume in the country, they account for only 5 percent of the fatalities. In fact, almost half of the total number of fatalities and injuries occur on roads posted at speeds below 55 mph. Our approach should be to emphasize total traffic safety and to work with the States in this effort by reducing drunk driving, increasing safety belt usage, and promoting compliance with traffic laws in addition to those relating to speed. The relative priority of safety problems will vary from State-to-State and within each State, so that it is crucial for the Federal government to permit the States to determine the best solutions and to assist the States in carrying out their solutions.

The Relation of the Present Program to Improved Highway Safety -- We believe that increased attention should be given to speed as a highway safety problem, but we regard the continuation of the current speed compliance criteria as a major obstacle to a rational plan of speed control. The General Accounting Office has now joined the National Academy of Sciences in stating that the criteria is illogical and unworkable. We look forward to working with Congress to move away from any compliance sanctions so that the Federal and State governments can work together to achieve results on speeds, just as we have in the efforts on drunk driving and safety belt use.

Mr. Chairman, I thank you and the Members of the Committee for providing the opportunity to present the Department's views today. We would be pleased to answer questions you or other Members of the Committee may have.

STUDY PLAN TO DETERMINE THE SAFETY IMPACT OF THE 65 MPH SPEED LIMIT

October 1987

U. S. DEPARTMENT OF TRANSPORTATION
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Washington, D.C.

Study Plan to Determine the Safety Impact of the 65 mph Speed Limit

INTRODUCTION

Report Requirement

Congressional legislation in April 1987 allowed states to raise the speed limit to 65 miles per hour on rural interstate highways. In the report accompanying the Department of Transportation's fiscal year 1988 appropriation bill, the House Appropriations Committee directed the National Highway Traffic Safety Administration (NHTSA) to conduct "a comprehensive and definitive study of the safety impact of raising the speed limit to 65 miles per hour on rural interstate highways." The Senate Appropriation Committee, in their report, also directed NHTSA to "assess the current state of monitoring/enforcement methodologies; assess information strategies that support enforcement efforts; assess new radar enforcement technologies; and assess speed compliance and the relationship to crashes." Both Committees required NHTSA to prepare a detailed study plan for their review.

Background

The 55 mph national maximum speed limit was in effect in all states by March 1974. Although the speed limit was enacted to conserve fuel, a sharp drop in traffic fatalities (from 55,511 in 1973 to 46,402 in 1974) suggested that it had important safety effects as well. While it is difficult to separate the almost simultaneous effects of reduced speeds, reduced travel due to the oil shortage, and other influences on safety, most analyses concluded that lower speeds accounted for 3,000 to 5,000 fewer traffic fatalities in 1974. The safety effects of the 55 mph speed limit are discussed in considerable detail in "55: A Decade of Experience," Transportation Research Board Special Report 204, prepared at the request of Congress in 1984.

By 1987 fuel had become more plentiful and cheaper, travel speeds had increased, and support for the 55 mph speed limit had eroded. The public, many legislatures, and the media no longer supported the 55 mph speed limit. For these and other reasons, Congress allowed states to increase the speed limit to 65 mph on rural interstate highways: those located outside of an urbanized area of 50,000 population or more. By September 1987, 37 states had raised their speed limits. This report presents the National Highway Traffic Safety Administration's plan for assessing the safety effects of this speed limit increase and for evaluating speed limit measurement technologies and enforcement strategies.

STUDY APPROACH

Goals

The safety impact of the 65 mph speed limit is determined by the traffic fatality and injury changes due to the higher speed limit. The first study goal is to estimate this impact. To achieve this goal it is necessary to obtain and incorporate information on travel speed changes resulting from the 65 mph speed limit.

The speed limit impact will be very difficult to estimate for several reasons. The necessary data on fatalities, injuries, and travel speed are limited due to the short time the increased speed limit has been in effect, the relatively few fatalities and injuries occurring on 65 mph roads (because of the excellent safety record of interstate highways), and difficulties in classifying fatalities, injuries, and travel by road type. Factors other than the speed limit affect fatalities and injuries, and their effects must be taken into account. These and other problems will limit the conclusions that can be drawn from the analysis. They are discussed in greater detail below.

The second goal is to estimate the effects of travel speed -- not just a speed limit change -- on traffic fatalities and injuries. When the speed limit changed on rural interstates, travel speeds may have changed more or less than posted speeds. Speeds also may have changed on other roads (such as urban interstates and other limited access divided highways), where the posted speed limit remained the same.

The third goal is to assess speed limit enforcement strategies and new speed measurement and enforcement technology. Several research studies will be used to satisfy this goal. One will assess the available speed measuring technology and report on how effective this technology has been in actual use. A second will investigate the association between speed and other unsafe driving behaviors. The results may be used to develop more effective enforcement strategies that target both speed and related unsafe driving behaviors. A third will conduct evaluations of combined enforcement and public information programs. NHTSA believes that at least three years will be needed to carry out these studies so as to produce reliable, final results. The agency will provide preliminary information, to the extent available, through two interim reports to Congress. That timetable presumes continued availability of adequate funding on a timely basis.

Problems in assessing the speed limit's safety impact

To estimate the speed limit change's effect, the observed traffic fatalities and injuries after the change must be compared to the estimated fatalities and injuries that would have occurred if the speed limit had not been raised. Several problems must be overcome in making these estimates and comparisons.

Traffic fatalities give an obvious measure of speed limit change effects. Fatalities are reported accurately and consistently in all states. Data for all states are available in NHTSA's Fatal Accident Reporting System (FARS). But fatality analyses must overcome the following problems.

1) The number of traffic fatalities on rural interstate highways, where the speed limit change occurred, is relatively small. In 1985, there were 1,825 traffic fatalities on rural interstates in the 37 states that increased their speed limit. This is only 4.2% of all traffic fatalities. Rural interstate fatalities in the individual states that raised their speed limit ranged from 5 (North Dakota) to 237 (Texas), with only seven states having more than 50. Traffic fatality counts this small will vary considerably from year to year due to chance alone. Consequently, only a very large effect of a speed limit change can be detected in a full year's data. There will not be enough data to detect a change in most individual states.

2) The speed limit change was not implemented at the same time in every state. Travel speeds may have changed over a period of time before and after the official speed limit change. Also, the speed limit was not increased on all eligible roads. Even in states that have adopted 65, some sections of eligible interstates have remained posted at 55 mph.

3) Almost all the states that did not raise their speed limits are in the east. Any regional traffic fatality changes independent of the speed limit will make it difficult to use these states to estimate what would have 5appended if the speed limit had not been raised in other states.

4) While the speed limit was raised only on rural interstate highways in certain states, speeds may have increased in other states and on other highways in 65 mph states.

5) Casualty changes on 65 mph roads are influenced by many factors other than the speed limit change. These factors, including changes in travel and in vehicle and driver types, must be considered.

Traffic injuries are much more frequent than fatalities, so that injuries provide more data for analysis in a shorter time than fatalities. However, in addition to the issues mentioned above, injury analyses must contend with other problems.

6) Data on non-fatal accidents are provided by the individual states. Each state has its own record system with its own variables and format. There is no uniform reporting system for injuries comparable to FARS. NHTSA has access only to some state record systems.

7) The definitions of injury and of serious injury vary from state to state. These definitions may not be applied consistently within a state.

8) Rural interstate highways and posted speed limits are not always well identified on state record systems.

Travel speed data are necessary to resolve some of these problems. Good speed data can show how much, when, and where speeds changed in response to the speed limit change. Unfortunately, all the desired speed data are unlikely to be available.

1) States are required to report speed monitoring data for 55 mph roads only. Though states may collect limited speed data on 65 mph roads, few states plan to report them. The data may be available directly from states, in varying amounts and formats. NHTSA and FHWA are currently encouraging the states to collect and report adequate speed data on 65 mph roads.

2) Speed monitoring programs differ from state to state, so that results may not be directly comparable across states.

3) State speed monitoring programs are designed to provide statewide statistics at a specified level of accuracy and confidence. Data from individual roadway systems within a state, such as rural interstates, will not have the same degree of accuracy and confidence.

The study plan described below takes these factors into account in attempting to provide the best speed limit change effect estimates in a timely manner. Nevertheless, because of the problems mentioned, definitive results are unlikely. Early results, based on incomplete 1987 data, are likely to be especially uncertain.

In addition to the analyses that will be pursued by NHTSA and Departmental staff, we intend to support studies by a number of independent researchers. The complexity of the subject is such that it is important to assure that the issues are examined from a number of perspectives. We will make the data we collect available to a number of researchers and require that they complete their analyses by the end of 1988 so the results of these studies are available in a timely manner. NHTSA will publish a solicitation for grant applications in the Federal Register.

EFFECTS OF THE SPEED LIMIT CHANGE ON CASUALTIES

Data from existing reporting systems will be analyzed to estimate the effects of the 65 mph speed limit on traffic fatalities and injuries.

NHTSA will have several data sources available to address questions about the effects of increased speed limits on rural interstates. The Fatal Accident Reporting System (FARS) contains data on every fatal accident in the country. Reported data include road type, speed limit, and characteristics of the drivers and vehicles involved. Data for the first nine months of 1987 (which will include three to five months of post-increase data for some states) will be available in February 1988. Complete data for 1987 (including up to nine months of post-increase data for some states) will be available in May 1988.

Eighteen states make their accident data available to NHTSA. These data include descriptions of the accident environment and of the involved drivers, vehicles, and people for accidents reported to the state. The reporting threshold varies, so that some states report many more low-severity accidents than do others. Several states have indicated that they will be able to provide a partial-year 1987 data file, including data through at least September 1987, by January 1988. Most states will provide their completed 1987 data file by July 1988.

Other Federal data that will be used in the analysis include population data collected by the Census Bureau, employment data collected by the Bureau of Labor Statistics, and vehicle miles of travel data collected by the Federal Highway Administration. These data have been shown to explain some variations in traffic fatalities. They will be used to control for factors beyond the 65-mph speed increase. The number of highway miles with the increased speed limit and the timing of the increases will also be important to this analysis. These data will be obtained from the states.

Three principal analyses will be conducted.

Effects of the Speed Limit Change on Fatalities

A pooled cross-section, time-series analysis of the Fatal Accident Reporting System data will be performed. The analysis compares traffic fatalities on 65 mph roads after the speed limit increase to fatalities on the same roads before the increase. Other variables are incorporated into the analysis, if possible, to account for the effects of other simultaneous changes. Variables to be considered include traffic fatalities in states and on roads without a speed limit increase, vehicle miles traveled, and unemployment (an economic indicator that has been shown to correlate with traffic fatalities). The analysis is complicated by the possibility that speeds may increase on roads whose speed limit is unchanged. This analysis will be performed by the Transportation Systems Center under a Project Plan Agreement with NHTSA.

Effects of the Speed Limit Change on Injuries

NHTSA staff will analyze data from selected states that supply accident files to NHTSA. The number of injuries and the injury rate in accidents that require at least one vehicle to be towed will be compared across time, road type, and speed limit. Important complicating factors (such as trends and possible travel speed increases on roads without speed limit increases) identified in the fatality time-series analysis will be accounted for in this analysis.

Effects of Travel Speed on Fatalities

The two analyses described above address the effects of a specific speed limit change -- an increase from 55 to 65 on rural interstate highways. The broader and more fundamental issue is to explore the general relation between travel speeds and casualties. This study will use the speed compliance data reported to FHWA for roads with a 55 mph speed limit and fatal accident data from FARS to investigate this relationship. Previous attempts to answer this question were hindered by insufficient variability in the speed data. If the increased speed limit on some rural interstates produces speed increases on roads that remain posted at 55 mph, this attempt should be more successful. This analysis will be performed by the Transportation Systems Center under a Project Plan Agreement with NHTSA.

EFFECTS OF THE SPEED LIMIT CHANGE ON TRAVEL SPEED AND SPEED LIMIT COMPLIANCE

From a safety standpoint, it is important to know the effects of increasing the speed limit on:

- o Average speed and speed variance on roads with speed limits recently changed to 65 mph (increasing the speed and, perhaps even more importantly, increasing the variance between vehicle speeds has been found to increase accident risk).

- o Spillover to other roads (have speeds on urban interstates, non-interstate roads, etc. also increased?).
- o Spillover between states (have speeds on interstates in states where the speed limit is not raised also increased?).
- o Traffic type (in states where the truck speed limit was not raised, has the increase in the car speed limit had an effect on truck speed?).

This information will not only help understand the effects of speed limit changes, but will also help police agencies determine how their enforcement efforts need to be directed given the changes in the maximum speed limit.

Travel Speed Changes Reported by States

Each state reports certain 55 mph speed monitoring data to the Federal Highway Administration. These data include percent of traffic exceeding 55 mph, 60 mph, and 65 mph; the 85th percentile speed; the average speed; and the median speed. These data are reported by six highway functional groupings: three each for rural and urban areas. The data are collected quarterly and are available within two months of the end of each quarter.

NHTSA staff will examine these data as reported by the states, before and after the speed limit change. Because states are not required to report speed monitoring data for roads posted at 65 mph, only limited speed data are available for those roads. Consequently, the study will concentrate on speed changes on roads posted at 55 mph, both interstate and other roads. Voluntarily reported speeds from states with 65 mph speed limits will be compared to speeds from states that have not raised their speed limits. In addition, NHTSA staff will examine any changes in police reporting of speed as a driver-related causal factor or in police-reported travel speed in accidents.

Observed Travel Speeds After the Speed Limit Increase

Based on the preliminary results of the previous investigation, a special study will examine vehicle speeds in selected states on various types of roadways and at various locations. States will be selected to represent the various regions of the country, and both roadway mounted speed monitoring equipment (currently being used by states to monitor speeds), and unobtrusive across the highway radar systems (not detectable by radar detectors) will be used to collect the required data. These data will be compared with available data collected before the speed limit increase.

The data will be analyzed to show travel speed changes on different roads and in different states. They will be used to investigate issues of speed variance and of speed differences for cars and trucks that cannot be addressed with aggregate speed data. In addition, the accident, injury, and fatality data will be reanalyzed to incorporate the findings on travel speed.

Data collection and analyses will be performed under a contract awarded through an open competitive procurement. Specific task requirements are being developed by NHTSA staff.

SPEED LIMIT ENFORCEMENT TECHNIQUES AND STRATEGIES

Speed limit compliance has decreased during recent years. There is a need to assess current speed monitoring and speed limit compliance procedures, investigate new technologies to assist police in speed enforcement, develop effective enforcement strategies that use police resources effectively and convince drivers that there is a high probability that speeding will be detected and punished, and demonstrate these techniques in real-world settings. NHTSA's activities in this area are described below. These activities will use the funds specified by the House and Senate Appropriations Committees.

Speed Measurement and Enforcement Technology Update

There have been a number of recent technological advances in speed measurement and enforcement. One technique, using a camera coupled with across-the-road radar to record automatically the license plate of speeding vehicles, is used in many foreign countries, in Galveston, Texas, and in Paradise Valley, Arizona. Another technique uses unmanned radar to record vehicle speeds. A Congressionally-authorized experiment with that system should have results available shortly. A third method uses manned across-the-road radar.

NHTSA has received numerous requests for information on these methods. Our available information was collected almost ten years ago and is no longer current.

NHTSA will assemble all available information on the existing speed monitoring technology. Technical information will be obtained from all manufacturers. Results of experiments or demonstrations will be obtained from law enforcement and highway safety personnel. Results of regular use in the field, especially foreign experience, will be carefully documented. Any plans to implement such techniques in the United States will be catalogued. This information will be evaluated and assembled in a report. The report will provide a concise summary of the available technology: its capabilities, technical requirements, cost, potential effectiveness, and real world usefulness.

The information collection, evaluation, and reporting will be performed under a contract awarded through an open competitive procurement. Specific task requirements will be developed by NHTSA staff.

Speed and Other Unsafe Driving Behaviors

Speed has long been recognized as an important cause of fatal and serious injury accidents. However, little information is available on the extent to which drivers who speed are also driving in other unsafe and illegal ways that can lead to accidents (such as following too closely, running a red light, or drinking). This information is important for traffic law enforcement. If speeding is associated with other unsafe behaviors, increased enforcement directed at any one behavior may have a substantial effect in deterring all.

This information will be obtained in two ways. First, driver behavior will be observed directly. Police patrol officers in cooperating agencies will take extra care to observe and record any other unsafe driving acts that are committed by speeding drivers. Second, police accident reports for accidents involving speeding will be examined to determine other driver acts that contributed to the accident. The results may be used to develop combined enforcement strategies.

Data collection, analysis, and reporting will be performed under a contract awarded through an open competitive procurement. NHTSA staff will develop specific task requirements.

Enforcement and Public Information Demonstration Projects

Research has shown that traffic enforcement programs can reduce traffic crashes, injuries, and fatalities significantly. General deterrence is the foundation of any traffic enforcement program. General deterrence begins with the observation that drivers will comply with traffic laws if they believe they are likely to be arrested, prosecuted, and sanctioned for violations. This means that traffic laws will be obeyed if drivers are aware that laws are enforced and that violators are punished. As a result, effective deterrence depends on a strong and coordinated enforcement and public information program.

A contract to develop public information strategies to support various speed enforcement strategies is scheduled for completion in September 1988. In addition, a revised selective traffic enforcement program guide is scheduled for completion by July 1988. This guide will include a model implementation plan for combined enforcement of speed, driving under the influence, and safety belt use laws. The plan provides ways to alternate different public information messages and media to increase and sustain the public's perception of enforcement in all three areas. Enforcement schedules and strategies to complement the public information plan are provided.

At least four small demonstration grants will be awarded in late 1988 to demonstrate the effectiveness of these combined enforcement and public information programs. The demonstration projects will be evaluated for their effectiveness in reducing speeding and drunk driving and in increasing safety belt use. NHTSA staff will develop site selection criteria and data collection and analysis plans.

REPORTS

A report on the study's first year results will be prepared and submitted to Congress by September 30, 1988. This report will assess the 65 mph speed limit's effect on casualties as estimated from final 1987 FARS and state accident data files. It will describe the effects on travel speeds as reported by the states.

A report on the study's second year results will be prepared and submitted by September 30, 1989. This report will extend the analysis of casualty effects by including results from 1988 FARS data. It will summarize the analyses obtained by independent researchers. It will analyze the effects on travel speed as reported by states and as obtained from our contract research. It will report any available results from the studies of speed limit enforcement strategies and techniques. It will also report progress on the combined traffic enforcement projects and grants.

A final report will include final results from the studies and demonstrations of combined enforcement and public information strategies and techniques. The report is scheduled to be submitted by December 30, 1990.

U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

The Administrator

400 Seventh St., S.W.
Washington, D.C. 20590

APR 13 1988

The Honorable Daniel Patrick Moynihan
Chairman, Subcommittee on Water Resources,
Transportation, and Infrastructure
United States Senate
Washington, D.C. 20510-6175

Dear Mr. Chairman:

We are enclosing our answers to the Subcommittee's questions for the record of the 55 mph speed limit hearing held on February 25, 1988.

If we could be of further assistance to you, we would be pleased to provide any information.

Sincerely,

Jeffrey R. Miller
Deputy Administrator,
National Highway Traffic
Safety Administration

R. D. Morgan
Executive Director,
Federal Highway Administration

Answers

Enclosures

Get it together!

SAFETY BELTS SAVE LIVES

Senator Burdick

QUESTION NO. 1

There are some strict sanctions if States fail to comply with the 55 mph speed limit. Do you think those sanctions are effective in bringing about compliance?

ANSWER

In the one area in which the States have direct control, posting speed limits, the threat of sanctions has been effective in bringing about and maintaining State compliance with the Federal requirement for posting the 55 mph speed limit. As an example, from March 1974 (when 55 mph became the maximum speed limit in all States) until April 1987 (when Congress allowed limited posting of a 65 mph speed limit), the threat of losing access to all new Federal-aid highway funds was instrumental in keeping 55 mph as the maximum speed limit in all States. Today, the same sanction threat has continued to keep 55 as the general maximum speed limit, except in the 41 States that have chosen to post a 60 or 65 mph maximum speed limit under the conditions set forth in either Section 174, Public Law 100-17 or Section 329 of Public Law 100-202.

However, the other sanction set forth in U.S.C. 154(f) if a State reports more than 50 percent exceeding 55 mph on highways so posted has not been as nearly as effective. This is due largely to the fact that a State must ultimately depend on its drivers obeying the law, for whatever reason, to be in compliance. The States can take steps to try and affect driver compliance, i.e., enforcement, public information, etc., but ultimate compliance depends on a driver's actions after that driver has considered all of the facts. In general, the fact that a State is threatened with a 10 percent reduction in some Federal highway fund categories if he drives over 55 mph is unlikely to affect a driver's behavior. And even if Federal sanctions do affect motorist behavior (thru State enforcement efforts) to achieve "compliance" with the Federal formula there is no evidence to suggest that they are an effective means of promoting highway safety.

SENATOR BURDICK

QUESTION NO. 2

In addition to speed limit sanctions, how many other sanction are there in the Federal-aid highway program?

ANSWER

Altogether, there are 14 penalties related to highways. (See attachment)

April 12, 1988
HTO-31

LEG-#1
HPP-24
3/28/88

CURRENT PENALTIES

1. **Commercial Motor Vehicle Width Limitation** — P.L. 97-424 (Section 416) as amended by P.L. 98-17

   - Sets 102 inch width on Interstate and other designated highways.

   Penalty - Injunctive relief.

2. **Commercial Motor Vehicle Length Limitation** — P.L. 97-424 (Section 411)

   - Sets 48 foot (single unit trailer) or 28 foot (double unit trailer) minimum allowable length limits on Interstate and other designated highways.
   - Prohibits States from establishing overall length limits.
   - No State may prohibit combinations consisting of two trailing units.

   Penalty - Injunctive relief.

3. **Vehicle Weight Limitations** — 23 U.S.C. 127

   - States must permit a minimum and maximum of 20,000 pound single axle, 34,000 pound tandem axle, and 80,000 pound gross weight of combination (5-axle) vehicles to operate on the Interstate. Maximum weight cannot exceed allowable under bridge formula.

   Penalty - Withholding of Interstate apportionments. If not restored during availability period, the apportionment lapses.

4. **Enforcement of Vehicle Size and Weight** — 23 U.S.C. 141

   - Each State must certify that it is enforcing all State laws respecting maximum vehicle size and weight.

   Penalty - Withholding of 10 percent of the apportionments for Interstate, primary, secondary, and urban programs. Apportionments are restored if enforcement is shown to be acceptable within 1 year; otherwise, reapportioned to other States.

5. **Registration - Proof of Heavy Vehicle Use Tax Payment** 23 U.S.C. 141

   - States must require proof of payment of heavy vehicle use tax prior to registering heavy vehicles subject to the use tax.

   Penalty - Withholding of up to 25 percent of the apportionments for the Interstate System. The withheld apportionment is reapportioned to other States using 104(b)(5) formulas.

6. **National Maximum Speed Limit** 23 U.S.C. 141

   - States must certify that they do not have a maximum speed limit on any public highway in excess of 55 m.p.h. (except as permitted on rural Interstates by 1987 STURAA or rural non-Interstate by P.L. 100-202). Also, speed limit must be uniformly applicable to all types of motor vehicles.

   Penalty - Cessation of project approvals for Federal-aid highway projects.

7. **National Maximum Speed Limit Enforcement** 23 U.S.C. 154

   - States must support their certification of maximum speed limit with data showing that the percentage vehicles exceeding 55 m.p.h. is less than 50 percent.

   Penalty - Withholding of up to 10 percent of the apportionments for primary, secondary, and urban programs for the following fiscal year. Funds can be restored if following fiscal year's certification shows in compliance.

8. **Control of Outdoor Advertising** 23. U.S.C. 131

   - States must provide for effective control of the erection and maintenance of outdoor advertising signs along the Interstate and primary systems.

   Penalty - Withholding of up to 10 percent of the apportionments for Interstate, primary, secondary, and urban programs. The withheld apportionment is reapportioned to other States. The Secretary has discretion whether the invoke penalty.

9. **Control of Junkyards** 23 U.S.C. 136

   - States must provide for effective control of the establishment and maintenance of junkyards along the Interstate and primary systems.

   Penalty - Withholding of up to 10 percent of the apportionments for Interstate, primary, secondary, and urban programs. The withheld apportionment is reapportioned to other States. The Secretary has discretion whether the invoke penalty.

10. **Maintenance** 23 U.S.C. 116

- States must properly maintain any project constructed under the Federal-aid highway program.

Penalty - Cessation of project approvals for all types of projects in the State highway district, municipality, county, other subdivision of the State or the entire State.

11. **Air Quality Nonattainment Areas** Clean Air Act Section 176(a)

- States must submit State Implementation Plans which consider transportation control measures.

Penalty - Cessation of project approvals within the non-attainment area if the EPA Administrator determines a nonattainment area is not making reasonable progress to submit its air quality attainment plan. Safety, Mass Transit and Air Quality Improvement projects under any Federal-aid highway program may continue to be approved.

12. **Interstate System Resurfacing** 23 U.S.C. 119(b)

- Each State must have a maintenance program for the Interstate System.

Penalty - Withholding of up to 10 percent of the apportionments for the Interstate System.

13. **National Minimum Drinking Age** 23 U.S.C.158 (as amended by Section 4104 of P.L.99-272)

- States must have laws that prohibit the purchase or public possession of any alcoholic beverage by a person who is less than 21 years old.

Penalty - Withholding (of 5 percent for FY 1987 and 10 percent in fiscal years thereafter) of the apportionments for Interstate, Interstate-4R, primary, secondary, and urban programs.

14. **Commercial Drivers License** Commercial Motor Vehicle Safety Act of 1986, Section 12011

- States must be in compliance with minimum Federal standards for licensing, reporting, and penalties.

Penalty - Withholding (of 5 percent for FY 1994 and 10 percent in the following fiscal years) of the apportionments for Interstate, Interstate 4-R, primary, secondary, and urban programs.

Senator Burdick

QUESTION NO. 3

Those who favor higher speed limits say Interstates are built to the highest design standards and for faster speeds. Are circumstances different with an aging Interstate and a more varied vehicle mix that includes, for example, smaller cars and larger trucks? Are driving conditions as ideal and safe as they once were on the Interstate?

ANSWER

Interstate highways have been designed in accordance with "A Policy on Design Standards - Interstate System", AASHTO 1956, as revised. Minimum design speeds indicated therein are 70, 60, and 50 miles per hour flat, rolling, and mountainous topography, respectively, and depending upon the nature of terrain and development. The design speed in urban areas should be at least 50 miles per hour. The 70 mph design speed has been the most predominant used unless terrain or other environmental or social impact restrictions were extremely severe. Furthermore, on September 18, 1975, FHWA issued a Bulletin which fully endorsed the AASHTO policy position that even though operational traffic speeds and speed limits have been reduced, design speeds and other design standards should not be reduced.

Those facilities built to the 70 mph design are still adequate for today's vehicles. Although there have been some adjustments to various geometric criteria such as increases in required stopping sight distances due to lower eye height for drivers in small cars, such effects have been minimized by improved vehicle braking performance and improved skid resistance of pavements. In most cases, the facilities were not designed to the minimum criteria but to higher criteria, thus giving a considerable safety margin to the highway design. The safety effects of a single factor, such as highway design or vehicle mix, are difficult, if not impossible, to measure. In terms of fatal crash rate, however, substantial declines have occurred in recent years. Specifically, the fatality rate (fatalities per 100 million miles traveled) on the Interstate system has declined from 1.30 in 1980 to .92 in 1986 for urban Interstates, and from 1.72 in 1980 to 1.35 in 1986 for rural Interstates.

Consideration of limits lower than 65 mph might be appropriate for certain segments of the Interstate system: older facilities not designed to the 70 mph criterion, existing older freeways, toll roads incorporated into the system, and those facilities no longer meeting the full standards because of evolutionary changes in the criteria. The speed limits on such segments should be consistent with their design and in accordance with accepted traffic engineering principles.

Senator Burdick

QUESTION NO. 4

In monitoring the speed limit program, the Office of the Secretary, the Federal Highway Administration, and the National Highway Traffic Safety Administration are all involved within the Department of Transportation. Does this lead to complications in administering the program?

ANSWER

No. We find that there are no serious complications between the three organizational units in administering the program. The Federal Highway Administration's (FHWA) role is to manage the field data collection and monitoring process. The States follow regulatory instructions, 23 CFR, Part 659, Speed Monitoring Program Procedural Manual, in operating their speed monitoring programs and receive annual approval of their speed monitoring plans by FHWA field offices. The National Highway Traffic Safety Administration works with the States, including providing grant funds, regarding police traffic enforcement programs. The Office of the Secretary's responsibilities lie mainly with those issues regarding the sanctioning process for States found to be out of compliance.

HTO-30
3-31-88

Senator Burdick

QUESTION 5

A new transportation safety office has just been created at DOT to oversee safety issues involving the agencies within the Department. Will this office oversee speed limit issues?

ANSWER

The operational responsibility for administering the national maximum speed limit law has been and will continue to be with FHWA and NHTSA. Responsibility for assisting states with speed limit enforcement programs will continue to rest with NHTSA. Because of associated legislative and policy issues, the Office of the Secretary has performed an oversight role and will continue that involvement.

The Office of Safety Program Review was established within the Office of the Secretary to continue the work of the Department's Safety Review Task Force. The Office is tasked with assessing the effectiveness of Department operating administrations in conducting their various safety programs. In that capacity, the new office has the responsibility to conduct oversight reviews which may examine, for example, the appropriateness of missions and objectives and the effectiveness of enforcement, or rulemaking aspects of the operating administrations' safety programs. The new office is not structured for continuing oversight of day-to-day administration of speed limit issues or other specific programs.

Senator Burdick

QUESTION NO. 6

What is the size of the staff and budget of the office responsible for monitoring the speed limit program?

ANSWER

State speed monitoring activities are monitored by FHWA Division Office staff with assistance and guidance of Regional and Headquarters office personnel. The number of individuals involved will vary with the needs at hand. Speed monitoring is just one of the myriad of programs for which the FHWA is responsible. The most recent estimate of the annual FHWA cost to oversee the 55 mph speed limit program (developed in July 1987) was $208,000. There are also staff in NHTSA who devote part of their time to administering the national speed limit law, as well as in providing assistance to the States with special enforcement programs.

Senator Burdick

QUESTION NO. 7

Does FHWA have standard procedures for monitoring how States collect and monitor speed data or do procedures vary from State to State?

ANSWER

Standard FHWA review procedures for the speed monitoring program do not exist. The States do, however, follow regulatory instructions (23 CFR, Part 659, Appendix--Speed Monitoring Program Procedural Manual for the National Maximum Speed Limit, May 1980) in operating their speed monitoring programs, so reviews simply follow the regulations with emphasis given as needed to specific areas of concern or interest.

Senator Burdick

QUESTION NO. 8

How often does FHWA review each State's monitoring plan, and does FHWA actually visit monitoring sites to determine if they are appropriately located?

ANSWER

Each State's speed monitoring plan is reviewed each year by at least the local FHWA Division Office which must approve the plan for use. As reviews are conducted or guidance is sought on specific topics, the plans may also be reviewed by Region and possibly Headquarters personnel. All speed monitoring locations are subject to FHWA field review and, in fact, virtually all of the 1800 locations in use for speed monitoring nationwide have been visited and reviewed for adherence to site location guidelines.

April 12, 1988
HTO-31

Senator Burdick

QUESTION NO. 9

When a State is notified that it is in noncompliance, what is the appeals process?

ANSWER

By January 1 of each year, each State must certify its compliance for the preceding fiscal year and submit information to support that certification. If the State-submitted data indicates that the State is not in compliance, the State is accorded a number of opportunities to convince the Department that its Federal-aid apportionment should not be reduced.

The current procedural regulation, 23 CFR § 659.21, provides for a five-step process prior to a final determination which reduces a State's apportionment. The first step is the Administrators' proposed determination of noncompliance. If, based on State-submitted data, a State cannot certify its compliance, the NHTSA and FHWA Administrators notify the State of a proposed noncompliance determination. Second, the State may request an informal hearing to show why it should not be found in noncompliance and to attempt to resolve the matter. If the matter is not resolved informally, the State retains the right to request a formal hearing conducted in accordance with the Administrative Procedure Act (APA). If no request for an APA hearing is made, the Administrators forward the proposed determination to the Secretary for acceptance. Third, if the State does request an APA hearing, the Secretary is required to convene one expeditiously to ascertain whether a State is in compliance. The Department generally uses an administrative law judge (ALJ) to conduct such proceedings. The ALJ then issues a recommended decision on compliance to the Secretary. Fourth, if the Secretary finds that a State is in noncompliance, the regulation provides that the Administrators must jointly notify the State of the determination and of the proposed reduction in apportioned funds. Finally, the State then may request an informal meeting with the Administrators to discuss the sanction amount and a hardship deferral. After that meeting, a final decision on the sanction and hardship deferral is issued.

The above procedures are required by regulation and not under the applicable statutory provisions governing the 55 mph national maximum speed limit. Based on past experiences with these procedures, the Department has found them cumbersome, repetitive and nonproductive. Consequently, on March 2, 1988, the Department issued a notice of proposed rulemaking which would streamline the process, while still providing each State with ample opportunity to present its position to the Department. The major difference between the proposed and the current rule involves the elimination of the formal hearing process. The procedure which the Department is proposing to implement is as follows:

First, the NHTSA and FHWA Administrators would send a proposed noncompliance determination, based on data submitted by the State, to the Governor. Second, a State would have 30 days to request an opportunity to show cause why it should not be found in noncompliance or to discuss a possible sanction or hardship deferral. If the State makes such a show cause request, an informal conference would be held. In lieu of the conference, a State could present written information within the 30 days concerning compliance, sanctions and deferrals. If the Secretary concludes that a State is not in compliance, a written final decision on compliance, hardship and deferral would be issued. The Department is requesting comments on this proposed procedure by April 11, 1988.

We emphasize that our proposal is limited to procedural improvements. It would not address the substantive inequities of the compliance formula and sanctions, which are established by statute. We have therefore recommended that Congress repeal those requirements, which would obviate the need for any non-compliance procedures.

Senator Burdick

QUESTION NO. 10

Does DOT work with a noncomplying State to try to help it come into compliance or is that strictly the State's responsibility?

ANSWER

The Department continually works with noncomplying States to help them again achieve compliance. The NHTSA will provide enforcement and public information assistance while the FHWA will work with the States concerning possible improvement to the speed sampling plan insofar as accuracy and representativeness are concerned.

Senator Burdick

QUESTION NO. 11

The GAO recommends that FHWA examine the feasibility of a weighting scheme that would place greater emphasis on violations taking place on unsafe roads and violations that are more serious. Have you looked at that question already, and if so, do you have some proposals?

ANSWER

The FHWA has examined the general feasibility of "weighting scheme" proposals such as the GAO is going to recommend in the forthcoming audit report, and find all of them to have the same key flaws. No formula can adequately assess and quantify all of the various factors affecting highway safety. And no matter how various data elements are considered, a States' final value must ultimately be compared to an arbitrarily determined national standard value. Any national standard cannot treat all States in an equitable manner, in that conditions are not the same in all States.

Senator Burdick

QUESTION NO. 12

The GAO study found that there was "inconsistent FHWA oversight of speed monitoring programs" and "several cases where speed monitoring sites were inappropriately located." What steps are you taking to resolve these problems?

ANSWER

In addition to pointing out the problems, the GAO study also stated "These problems, by and large, are being or have been addressed. Therefore, we are making no recommendations with regard to FHWA's monitoring program."

When the final GAO report is released FHWA headquarters will distribute the report to our field offices along with general instructions regarding continued program oversight responsibilities. In addition, FHWA headquarters personnel will continue to assist field office staff in their continuing conduct of State speed monitoring program reviews. Headquarters' goal is to systematically cover all 9 FHWA regions on a 3-year cycle.

April 12, 1988
HTO-31

Senator Burdick

QUESTION 13

What is your view of a proposal from the California Highway Patrol to allow a certain number of points to be subtracted from a State's point total based on the State's efforts to make improvements in highway safety with, for example, a mandatory seat belt law or a strong DWI enforcement program?

ANSWER

Although we support safety belt laws and effective DWI enforcement efforts, we believe that inserting such considerations into the speed limit law would introduce needless further complications into the determination of compliance. Our strong preference would be for Congress to repeal the compliance requirements and sanctions altogether, as we testified on February 25.

Senator Burdick

QUESTION NO. 14

The California Highway Patrol testimony proposes a substitute to the present requirements. It is "that each Governor annually certify that they were enforcing the speed limit to the best of their ability." Please comment.

ANSWER

The proposal contained in the California Highway Patrol's testimony is very similar in philosophy to what the Department is proposing. It would accept a State's certification of enforcement at face value without requiring additional information for support, and without the threat of sanctions for failing to meet arbitrary standards. The Department's recommendation is to do away with federally mandated monitoring and reporting requirements and remove highway funding sanctions. We recommend that States only be required to certify that they have posted speed limits in accordance with the limits set by Congress.

Senator Burdick

QUESTION NO. 15

In a front-page story a year ago in the Washington Post (March 7, 1987), a number of problems were described with Maryland's monitoring program. For example, one monitor was in a heavily congested area between two traffic lights, another on the upgrade side of a steep hill. Speed measuring was rescheduled for rainy days. Further, the article said this had been done with the blessing of FHWA. Was that an accurate description of Maryland's program and FHWA's involvement?

ANSWER

What occurred in Maryland during fiscal year 1986 essentially consisted of an updating of the State's speed sampling plan to reflect existing conditions. States are free to update the sampling plans as long as they follow FHWA's sampling plan guidelines. In updating the plan, the State worked closely with the FHWA Division Office over the details. Terms such as "congested areas, steep hill, and rainy days" are simple characterizations of the changes in the philosophy of speed monitoring that were initiated by the Surface Transportation Assistance Act of 1978. Prior to 1978 speed monitoring was conducted only on straight, level sections of highway under noncongested conditions, in good weather. The 1978 Act required speed data to be derived from all vehicles or a representative sample of all vehicles. The regulatory implementation of the 1978 Act allows data collection under less than the ideal conditions in an attempt to comply with the statutory mandate of all vehicles or a representative sample thereof.

Senator Burdick

QUESTION NO. 16

An FHWA listing of States shows the percent of vehicles exceeding 55 to be from a low of 25.5 to 51.7 in fiscal year 1987. If the figures were unadjusted, what would the range of percentages be?

ANSWER

The range of unadjusted values for the percent of vehicles exceeding 55 mph by State for FY 1987 is 36.6 to 69.9.

Senator Burdick

QUESTION NO. 17

As you know, speed limits historically have been set by the 85th percentile--the speed at which or below 85 percent of the vehicles are travelling. Do you know what the 85th percentile is nationally and by State?

ANSWER

The 85th percentile speed is available by speed monitoring functional group, by State, as well as national average figures. For FY 1987 the national average figures for 85th percentile speed by functional grouping and statewide on roads posted at 55 mph are:

Urban Interstate	64.5 mph
Urban Other Freeway and Expressway	63.4 mph
Urban Other Arterials	60.7 mph
Rural Interstate	66.5 mph
Rural Other Arterials	62.8 mph
Rural Major Collectors	61.3 mph
Statewide	63.1 mph

The attached list contains a State-by-State breakout of 85th percentile speeds for FY 1987 on roads posted at 55 mph.

March 30, 1988
HTO-31

FY87: 85TH PERCENTILE SPEED (MPH)

STATE	URBAN INTERSTATE SYSTEM	URBAN FREEWAY & EXPRESSWAY	URBAN OTHER ARTERIALS	RURAL INTERSTATE SYSTEM	RURAL OTHER ARTERIALS	RURAL MAJOR COLLECTORS	STATEWIDE VALUE
ALABAMA	66.6		60.7		62.9	61.1	62.9
ALASKA			64.2		64.2	58.2	63.6
ARIZONA	61.9				65.1	62.6	63.6
ARKANSAS	65.2	68.0			62.8	63.7	63.6
CALIFORNIA	65.5	65.4	60.2	69.4	66.7	65.4	65.5
COLORADO	62.0	66.8			62.2	66.9	62.8
CONNECTICUT	63.8	63.0		59.7	65.4		63.1
DELAWARE	64.8				61.5		62.9
FLORIDA	65.5		63.3	67.4	64.6	61.5	64.5
GEORGIA	68.4	65.5	60.8	71.2	62.6	60.3	65.3
HAWAII	65.7				58.7	58.8	62.3
IDAHO	65.8			66.0	59.7	63.0	62.1
ILLINOIS	65.0	62.4	59.5		62.3	60.6	62.5
INDIANA	66.4	64.8	59.5	66.9	61.9	61.7	63.5
IOWA	60.7				61.2	62.1	61.4
KANSAS	65.2	64.9	62.7		64.0	64.9	64.4
KENTUCKY	60.6	55.7	55.2		60.6	55.3	58.3
LOUISIANA	45.9		61.0	68.5	63.0	63.4	59.3
MAINE	67.0	64.3			60.8	62.5	62.0
MARYLAND	65.3	61.0	58.6	65.0	62.2		63.7
MASSACHUSETTS	66.6	61.8	66.9	65.6	63.1		65.7
MICHIGAN	70.4	65.7	65.2	70.5	62.4	61.0	65.1
MINNESOTA	62.4	63.9	61.8		62.0	63.0	62.4
MISSISSIPPI	66.6				65.5	65.4	65.5
MISSOURI	65.5	61.7			63.9	62.1	63.7
MONTANA	64.1				65.9	60.0	64.8
NEBRASKA	64.4				62.1	63.3	62.6
NEVADA	64.5	63.7	60.6	67.8	65.9	63.4	64.7
NEW HAMPSHIRE	66.4	66.4	60.7	66.4	62.5	60.7	63.7
NEW JERSEY	61.9	61.3	60.2	60.5	60.3		61.2
NEW MEXICO	70.0		59.1		61.1	68.3	64.0
NEW YORK	68.0	64.5	62.8	69.6	60.8	61.2	64.5
NORTH CAROLINA	63.3		63.8	66.9	63.1	60.4	62.6
NORTH DAKOTA	64.2				64.8	66.3	65.1
OHIO	65.9	63.8	64.3	65.8	64.2	62.4	64.4
OKLAHOMA	63.0	62.0			63.0	62.0	63.0
OREGON	64.4	61.0	59.1	68.2	63.2	58.4	63.6
PENNSYLVANIA	66.8	65.9	58.2	68.6	60.6	63.1	63.9
PUERTO RICO	63.5	63.9		62.9	64.8		63.7
RHODE ISLAND	64.8	63.9		64.9			64.6
SOUTH CAROLINA	65.5		54.2		62.4	59.2	61.4
SOUTH DAKOTA	60.5		57.9	65.3	61.3	58.7	60.8
TENNESSEE	66.2		61.6		62.1	53.4	62.2
TEXAS	63.6	63.8	61.4		64.3	59.5	63.0
UTAH	60.8	56.5	59.2		63.2	60.0	61.2
VERMONT	64.0			66.3	63.3		64.0
VIRGINIA	63.0	61.0	58.0	65.0	60.0	57.0	61.1
WASHINGTON	63.9	63.4			59.2	64.7	62.2
WEST VIRGINIA		63.7			60.9	55.6	59.6
WISCONSIN	64.3	63.7			63.6	60.4	63.0
WYOMING	68.3				66.9	64.0	66.3
AVERAGE	64.5	63.4	60.7	66.5	62.8	61.3	63.1

FOOTNOTES

A BLANK SPACE INDICATES NO SPEED MONITORING REQUIRED OR PERFORMED.

DATE	COMPILED BY
MARCH 7, 1988	HTO-31

Senator Burdick

QUESTION 18

Senator Heinz's bill, S. 2041, proposed extending compliance requirements to roads posted at 65. Should we instead consider applying the requirements on some of the lower-system, two-lane roads posted below 55 that may pose a greater risk than Interstates or highway meeting Interstate standards?

ANSWER

We believe it is important to recognize the need for effective speed enforcement on all roads, including those posted at speeds below 55 mph. Although almost half of all highway fatalities occur on such roads, one consequence of the narrow Federal emphasis on 55 mph compliance has been to divert state and local police resources away from roads posted at lower speeds. Many of those roads do, as you suggest, pose a greater crash risk than high-quality 55 mph roads, and they have been posted at lower speeds for that very reason. In response to requests from state and community law enforcement personnel, we are developing speed enforcement programs that will focus on non-55 roads. We believe that such cooperative programs have considerable potential for reducing speed-related crashes.

However, we do not support establishing Federal speed compliance formulas for those roads. Such a program would require massive, expensive additional data collection by the States, and any compliance formula would still contain many inequities. Instead, we recommend that Congress repeal the compliance and sanctions requirements on 55 mph roads. That will allow the States to pursue speed programs on all roads without fear of sanctions, the approach which has proven successful in drunk driving and safety belt use.

Senator Burdick

QUESTION NO. 19

Can you quantify how much impact lower speeds, seat belts, the reduction in drunk driving, and stronger enforcement of traffic laws each have on reducing highway injuries and deaths?

ANSWER

In 1980, the fatality rate (fatalities per 100 million vehicle miles) was 3.3. The rate in 1987 is estimated at 2.4. If the 1987 rate had remained at the 1980 level, over 63,000 lives would have been lost on U.S. highways compared to the estimated 46,000.

Many factors have combined to improve traffic safety and reduce injuries and fatalities. While it is extremely difficult to quantify the contribution of every factor, some of the more important are as follows:

- From 1983 through 1987, safety belts have saved over 8,000 lives and prevented over 95,000 injuries.
- Safety belt use laws are credited with a cumulative savings of about 2,800 lives since 1984, when the first such law became effective.
- The proportion of fatalities involving alcohol intoxication has decreased from 46 percent in 1982 to an estimated 40 percent in 1987.
- Minimum Drinking Age laws have saved over 4,400 lives from 1982 through 1987.

Senator Burdick

QUESTION NO. 20

Please explain what the State-specific circumstances are that have brought New York, North Dakota, and California into noncompliance?

ANSWER

New York: 55 mph noncompliance statewide has been increasing steadily in recent years, and based on past trends noncompliance (over 50%) was not totally unexpected.

FY 1984	42.4%
FY 1985	45.6%
FY 1986	47.8%
FY 1987	51.2%

Other contributing factors include 92.2 percent over 55 mph on rural Interstates (New York has retained the 55 mph speed limit on those roads) and the fact that much of New York's urban Interstate carrying the most traffic (i.e. in New York City) is posted below 55 mph and therefore not monitored.

North Dakota: 55 mph noncompliance statewide has historically been very high due primarily to straight, flat highways coupled with low traffic volumes.

FY 1984 - 48.2%   FY 1985 - 49.7%
FY 1986 - 49.7%   FY 1987 - 51.8%

The elimination of rural Interstate from the 55 mph compliance determination process (an adjunct to posting 65 mph on nonurbanized Interstate in 1987) did not have as big an effect on statewide 55 mph noncompliance as in most States because 55 mph noncompliance in the remaining functional groupings is also very high For example, the percent exceeding 55 in the "rural other arterials" grouping which now accounts for over 70 percent of the statewide value was 71.4 percent. The national average for this group was 54.4 percent.

California: As in New York and North Dakota, 55 mph noncompliance in recent years has been high and FY 1987 just continued recent trends.

FY 1984 - 45.4% FY 1985 - 49.7%
FY 1986 - 51.5% FY 1987 - 50.8%

While adopting a 65 mph speed limit on most rural Interstates, the State did not raise the speed limit on all eligible Interstate mileage. On those Interstate highways outside of urbanized areas where the speed limit remained

55 mph, 92.5% of vehicles exceeded 55 mph in FY 1987.

Senator Burdick

QUESTION NO. 21

According to New York State's testimony, FHWA sampling requirements preclude having monitoring sites in three counties--Westchester, Monroe, and Erie--where 40 percent of 55 mph travel occurs. Why is that?

ANSWER

FHWA's sampling requirements--developed in strict accordance with the statutes--only preclude monitoring highways which are not posted at 55 mph. Any highway with a 55 mph speed limit has an equal chance of being selected for speed monitoring, if the sampling plan has been developed according to the FHWA guidelines. The fact that New York has no sites in Westchester, Monroe or Erie counties means that none of the otherwise eligible mileage in those counties was selected in the random selection process used to determine speed monitoring sites.

Senator Burdick

QUESTION NO. 22

According to New York State's testimony, FHWA Procedural Manual promotes a bias "toward selection of monitoring sites on lower traffic volume sections of highways where speeds tend to be higher." Please comment.

ANSWER

In developing a speed sampling plan, the highway system with a 55 mph speed limit is typically divided into 5-mile segments. Each segment has the same chance of being selected for speed monitoring regardless of traffic volume. The specific location where speed data are to be collected should be representative of conditions that exist in the randomly selected segment, including traffic volumes.

Senator Burdick

QUESTION NO. 23

Please describe the various "adjustment" factors used in speed monitoring. Are they justifiable in your view?

ANSWER

Adjustment factors are to account for speedometer variability, statistical sampling error and speed measuring equipment error. In terms of measuring the speeds of vehicles, only sampling error is a justifiable adjustment. The other two errors, in fact, are equally distributed, plus and minus, and therefore cancel out.

Senator Burdick

QUESTION 24

The Center for Auto Safety has filed suit against the Department of Transportation charging that DOT is lax in enforcing the speed limit program. Please comment on their complaints?

ANSWER

The government recently filed an answer to the CFAS complaint in Federal District Court. A copy of the government's Answer is attached for your information. Because the substance of the CFAS complaint is the essence of the litigation, it would not be appropriate to comment beyond the formal reply filed in court.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CENTER FOR AUTO SAFETY,)
et al.,)
)
Plaintiffs,)
)
v.) Civil Action No.
) 86-3226 HHG
JIM BURNLEY,)
Secretary)
of Transportation, et al.,)
)
Defendants.)

ANSWER TO COMPLAINT AND SUPPLEMENTAL COMPLAINT

Defendants Jim Burnley, Secretary of Transportation; Robert E. Farris, Deputy Administrator, Federal Highway Administration; and Diane K. Steed, Administrator, National Highway Traffic Safety Administration, by their undersigned attorneys, respond to plaintiffs' Complaint and Supplemental Complaint as follows:

FIRST DEFENSE

The Court lacks subject matter jursidiction over this action.

SECOND DEFENSE

Plaintiffs have failed to state a claim upon which relief can be granted.

THIRD DEFENSE

Plaintiffs have failed to join the State of California, an indispensable party.

FOURTH DEFENSE

Plaintiffs lack standing to maintain this action.

Defendants respond to the numbered paragraphs of the Complaint as follows:

1. Paragraph 1 sets forth plaintiffs' characterization of their action to which no response is required, but insofar as an answer may be deemed to be necessary, deny

2. Paragraph 2 sets forth conclusions of law to which no response is required, but insofar as an answer may be deemed to be necessary, deny.

3. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in the first sentence of this paragraph, except to admit that Center for Auto Safety is a public interest organization. The second sentence sets forth plaintiffs' characterization of their action to which no response is required, but insofar as an answer may be deemed to be necessary, deny.

4. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in the first sentence of this paragraph, except to admit that Public Citizen is a public interest organization. The second sentence sets forth plaintiffs' characterization of their action to which no response is required, but insofar as an answer may be deemed to be necessary, deny.

5. Deny, except to admit that Diane K. Steed is Administrator of the National Highway Traffic Safety Administration ("NHTSA"). Defendants affirmatively state that Jim Burnley is the present Secretary of Transportation and Robert

E. Farris is the Deputy Administrator of the Federal Highway Administration ("FHWA"), authorized to perform all of the duties of the Administrator while the Administrator's post is vacant. Insofar as this paragraph contains plaintiffs' characterization of the national maximum speed limit provisions of the Federal-Aid Highway Act, 23 U.S.C. §§ 101, et seq., and its implementing regulations, 23 C.F.R. Part 659, the Court is referred to the statute and regulations for a full and complete statement of their contents.

6. Admit.

7. Admit the first sentence of Paragraph 7. The second sentence contains conclusions of law and characterizations of legislative history to which no response is required, but insofar as an answer may be deemed to be necessary, deny, except to refer the Court to the legislative history for a full and complete statement of its contents.

8. Paragraph 8 sets forth conclusions of law and characterizations of legislative history to which no response is required, but insofar as an answer may be deemed to be necessary, deny, except to admit that in 1978 Congress amended the Federal Aid Highway Act and to refer the Court to the statute and its legislative history for full and complete statements of their contents.

9. Paragraph 9 sets forth conclusions of law to which no response is required, but insofar as an answer may be deemed to be necessary, deny, except to admit that each state is required

to certify annually that it is enforcing the national maximum speed limit provisions of the Federal Aid Highway Act and to refer the Court to the statute for a full and complete statement of its contents.

10. Paragraph 10 sets forth conclusions of law to which no response is required, but insofar as an answer may be deemed to be necessary, deny, except to admit the first sentence and to admit that the quoted words are found in 23 U.S.C. § 154(f) and to refer the Court to that statute for a full and complete statement of its contents.

11. Paragraph 11 sets forth conclusions of law and characterizations of regulations to which no response is required, but insofar as an answer may be deemed to be necessary, deny, except to admit that the regulations do establish the procedures to be followed in determining states' compliance with the speed limit enforcement provisions of the Federal Aid Highway Act and to refer the Court to 23 C.F.R. Part 659 for a full and complete statement of its contents.

12. Deny that Vermont submitted its FY 1984 certification data on January 3, 1985. Defendants affirmatively state that Vermont submitted its FY 1984 certification data on December 31, 1984. Admit the remainder of Paragraph 12.

13. Admit.

14. Admit.

15. Admit.

16. Admit.

17. Admit.

18. Admit, except to deny that Vermont and Arizona admitted that their certification data obviated the need for further hearings to show cause.

19. Admit.

20. Admit.

21. Deny. Defendants affirmatively state that on January 22, 1987, defendants notified the states of Vermont and Maryland that, because those states' certification data for Fiscal Year ("FY") 1986 showed those states to be in compliance with the speed limit enforcement provisions of the Federal Aid Highway Act, 23 U.S.C. §§ 101, et seq., funds reserved on October 1, 1985 for possible withholding pending final determination of those states' compliance for FY 1984 were to be released. On January 22, 1987, defendants notified the State of Arizona that a final determination of non-conformity for FY 1984 had been made and that one percent of Arizona's apportioned FY 1986 non-Interstate Federal-aid highway funds was being withheld as a penalty.

22. Admit, except to deny that Maryland's certification data for FY 1985 remains in dispute.

23. Deny. Defendants affirmatively state that on January 22, 1987, defendants notified the states of Vermont, New Hampshire, Rhode Island, and Maryland that, because those states' certification data for FY 1986 showed those states to be in compliance with the speed limit enforcement provisions of the

Federal Aid Highway Act, 23 U.S.C. §§ 101, _et seq_., no compliance proceedings regarding FY 1985 for those states would be initiated. On February 2, 1988, defendants notified the State of Arizona that, because that state's certification data for FY 1987 showed it to be in compliance with the speed limit enforcement provisions of the Federal Aid Highway Act, _23 U.S.C. §§ 101, et seq_., funds withheld for Arizona's FY 1984 noncompliance and funds reserved from obligation for Arizona's apparent FY 1985 noncompliance were released.

24. Admit.

25. Admit.

26. Admit.

27. Admit.

28. Paragraph 28 sets forth conclusions of law to which no response is required, but insofar as an answer may be deemed to be necessary, deny.

29. Paragraph 29 sets forth conclusions of law to which no response is required, but insofar as an answer may be deemed to be necessary, deny.

30. Paragraph 30 sets forth conclusions of law to which no response is required, but insofar as an answer may be deemed to be necessary, deny.

31. Paragraph 31 sets forth conclusions of law to which no response is required, but insofar as an answer may be deemed to be necessary, deny.

32. Paragraph 32 sets forth conclusions of law to which no response is required, but insofar as an answer may be deemed to be necessary, deny.

* * *

Defendants respond to the numbered paragraphs of the Supplemental Complaint as follows:

1. The first sentence of Paragraph 1 sets forth conclusions of law to which no response is required, but insofar as an answer may be deemed to be necessary, deny. The second sentence of Paragraph 1 contains plaintiffs' characterization of their action to which no response is required, but insofar as an answer may be deemed to be necessary, deny.

2. Defendants restate their answer to paragraph 2 of the Complaint, set forth above.

3. Defendants restate their answers to paragraphs 3 through 5, inclusive, of the Complaint, set forth above.

4. Defendants restate their answers to paragraphs 6 through 11, inclusive, of the Complaint, set forth above.

5. Admit.

6. Admit.

7. Deny the first sentence of Paragraph 7. Defendants affirmatively state that California's initial request for an informal hearing was made on March 12, 1987. Following the enactment of the Surface Transportation and Uniform Relocation Assistance Act of 1987, Pub. L. 100-17, defendants temporarily postponed informal resolution of apparent FY 1986 noncompliance

in order to provide states with an opportunity to implement the 1987 Act. After informal resolution efforts were resumed, California renewed its request on August 24, 1987, for informal resolution. Admit the second and third sentences. Defendants affirmatively state that an informal hearing for California was held on November 20, 1987.

8. Admit.

9. Admit.

10. Admit.

11. Deny. Defendants affirmatively state that on October 1, 1987, ten percent of the non-Interstate Federal-aid highway funds that would otherwise have been apportioned for FY 1988 to the states of California, Maine, Nebraska, Arizona, and Utah were reserved for possible withholding pending final determination of those states' apparent noncompliance for FY 1986. This reservation of funds equaled the maximum amount authorized by statute to be withheld from the states for such noncompliance and prevented the states from obtaining access to any of the reserved funds pending final determination of their apparent FY 1986 noncompliance. On November 27, 1987, defendants notified the states of Maine and Utah that, because those states' certification data for FY 1987 showed those states to be in compliance with the speed limit enforcement provisions of the Federal Aid Highway Act, 23 U.S.C. §§ 101, et seq., funds reserved from obligation for those states' apparent FY 1986 noncompliance were released. On December 10, 1987, defendants

notified the State of Nebraska that, because that state's certification data for FY 1987 showed it to be in compliance with the speed limit enforcement provisions of the Federal Aid Highway Act, 23 U.S.C. §§ 101, _et seq_., funds reserved from obligation for Nebraska's apparent FY 1986 noncompliance were released. On February 2, 1988, defendants notified the State of Arizona that, because that state's certification data for FY 1987 showed it to be in compliance with the speed limit enforcement provisions of the Federal Aid Highway Act, 23 U.S.C. §§ 101, _et seq_., funds reserved from obligation for Arizona's apparent FY 1986 noncompliance were released. The reservation of funds resulting from California's apparent FY 1986 noncompliance remains in effect. The State of California has submitted a settlement offer to resolve the issue of its FY 1986 noncompliance. Defendants are currently reviewing that offer.

12. Paragraph 12 sets forth conclusions of law to which no response is required, but insofar as an answer may be deemed to be necessary, deny.

13. Paragraph 13 sets forth conclusions of law to which no response is required, but insofar as an answer may be deemed to be necessary, deny.

14. Paragraph 14 sets forth conclusions of law to which no response is required, but insofar as an answer may be deemed to be necessary, deny.

15. Paragraph 15 sets forth conclusions of law to which no

response is required, but insofar as an answer may be deemed to be necessary, deny.

Defendants deny that plaintiffs are entitled to the relief sought in the Complaint or the Supplemental Complaint, or to any relief whatsoever.

The allegations of the Complaint and Supplemental Complaint which are not expressly admitted are denied.

WHEREFORE, having fully answered, defendants request that the Complaint and Supplemental Complaint be dismissed with prejudice.

Respectfully submitted,

JAMES M. SPEARS
Acting Assistant Attorney General

JOSEPH E. DIGENOVA
United States Attorney

Sandra M. Schraibman by WRI
SANDRA M. SCHRAIBMAN

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NHTSA

David C. Oliver
Attorney
FHWA

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of February, 1988, copies of defendants' Answer To Complaint And Supplemental Complaint were served by messenger on:

Henry M. Jasny, Esq.
Center for Auto Safety
Suite 410
2001 S St., N.W.
Washington, DC 20009

William B. Schultz, Esq.
Public Citizen Litigation Group
Suite 700
2000 P St., N.W.
Washington, DC 20036

Wm Robert Irvin
WM. ROBERT IRVIN

Senator Burdick

QUESTION 25

According to the Center for Auto Safety's testimony, there is a carrot and stick approach to speed limit enforcement. The Center says "the stick is the apportionment penalty...and the carrot is the return of withheld funds." Do you share this view?

ANSWER

We agree with the Center for Auto Safety's description of the existing statutory compliance formula in the national maximum speed limit law, which provides Federal incentives/disincentives to the States. However, we also note that, because of the many flaws in the statutory formula, those sanctions are frequently unrelated to actual speeding problems, speed enforcement efforts, or overall highway safety.

Senator Burdick

QUESTION NO. 26

The Center for Auto Safety proposes that compliance data be reported by the States to DOT by no later than November 15 of each year. Is it feasible to accelerate the process in that way? Did all States meet the January 1, 1988 deadline for reporting this year? If not, which ones missed the deadline? Have all States reported by now?

ANSWER

Speed limit compliance data could be reported by each State by November 15 following the end of a fiscal year (September 30) without any decrease in accuracy. All States met the January 1, 1988 deadline for the most recent certification.

A November 15 reporting date would not put any additional burden on the States. Some States already meet this date in complying with the regulatory requirement to submit the annual speed data summary to the Division Offices by December 1. These data include the 55 mph compliance figures that are later submitted as part of the enforcement certification which is due by January 1.

Senator Burdick

QUESTION NO. 27

What is your view of the AASHTO policy resolution on speed limit monitoring passed last December?

ANSWER

We understand AASHTO's policy resolution on speed monitoring essentially to be that of eliminating rural Interstate highways from 55 mph compliance monitoring regardless of speed limit (i.e. 55 mph or 65 mph). We view this type of proposal as a step in the right direction toward the eventual elimination of all federal monitoring, reporting and compliance requirements.

Senator Moynihan

QUESTION NO. 1

In order to be within the compliance levels of the 55 mile an hour speed limit law the average speed must be below 55. What is the standard deviation in the average distribution of the results compiled to date?

ANSWER

In order to be within the compliance levels of the 55 mile per hour speed limit law, a State must report that no more than 50 percent of its drivers are exceeding 55 mph on highways so posted. Having 50 percent exceed 55 mph is not the same as saying the average speed is 55 mph. As an example, if out of 10 vehicles monitored 4 are going 70 mph and 6 are going 50 mph, only 40 percent are exceeding 55 mph, yet the average speed is 58 mph. States are not required to calculate the standard deviation of the average speeds developed from speed monitoring. They do, however, calculate the standard deviation of the percent exceeding 55 mph. Final figures for fiscal 1987 are not yet available, but for FY 1986, the median of the State values for standard deviation of the percent exceeding 55 mph was 3.1 percentage points. That is, one half of the States had a value greater than 3.1 and one half had a value less than 3.1 The range of values for FY 1986 was 1.49 to 5.44. Final figures for FY 1987 are expected to be similar.

March 30, 1988
HTO-31

Senator Moynihan

QUESTION NO. 2

In light of the concern over the current methods used to determine speed limit compliance, we are investigating alternate methods to judge speed limit compliance as it relates to highway safety. The General Accounting Office, Transportation Research Board, National Highway Traffic Safety Administration and your organization are being asked to develop alternate compliance criteria for consideration by the committee. Please submit your proposal to the committee as soon as possible.

ANSWER

The Department's position is that the relationship between speed limit compliance and highway safety cannot be quantified in a manner in which all factors are adequately considered. The Department's proposal is that all federally required monitoring, and highway funding sanctions for noncompliance be eliminated, and that the States only certify that speed limits in the State are posted in accordance with 23 U.S.C. 154.

April 12, 1988
HTO-31

Senator Graham

QUESTION NO 1.

How do you justify sanctions against the States through the project-approval process if you believe that setting of speed limits, up to the design limit of highways and bridges, should be left entirely up to the States?

ANSWER:

While the Department would prefer giving all authority for setting speed limits back to the States, the Congress has acted just last year to maintain National Maximum Speed Limits which are enforced by the congressionally-mandated project-approval sanctions. The Department has, therefore, recommended reforming the Federal speed limit law to retain the States' annual certification, but repealing the compliance criteria, the sanctions for noncompliance, and Federally mandated monitoring and reporting requirements. We have confidence in the States' abilities to enforce their laws without detailed Federal oversight.

March 30, 1988

HTO-31

Senator Graham

QUESTION 2

Is not the setting of speed limits and enforcement in effect one and the same function which has as its primary objective the avoidance or reduction of deaths and injuries on our highways?

ANSWER

We agree that highway safety should be the primary objective of both setting and enforcing speed limits. In our view, the establishment of a speed limit should bring with it the expectation that the limit will be enforced. In our statement to the Subcommittee, we indicated that we would prefer to leave the setting of speed limits entirely up to the states. However, we recognize that Congress determined just last year that there should continue to be national maximum speed limits; we are therefore focusing our efforts on supporting State enforcement efforts to avoid distorting the efficient use of State police personnel. In brief, our recommendations is that Congress should repeal the compliance and sanctions provisions so that states can determine how best to enforce their speed limits.

Senator Graham

QUESTION 3

If we can accept that premise then sanctions by the federal government for not enforcing the posted speed limits loses some of its attraction because violations of the posted speed limit may or may not be related to injuries and fatalities on a particular segment of highway. Highway design, condition of the roadway, weather, driver training and experience and other factors also affect the safety of highways. Would you propose to impose sanctions against the states if those factors are not up to snuff?

ANSWER

We know that numerous factors in addition to speed affect highway safety, but we do not advocate imposing sanctions against the States for any of those factors (some of which are beyond a State's control). As noted previously, we are recommending that Congress repeal the compliance and sanctions provisions which are currently required by the national maximum speed limit statute. We believe that much more can be accomplished for safety through cooperation with the States than by threatening them with sanctions, as shown by the great strides in highway safety in recent years, including the crackdown on drunk driving and the increases in safety belt usage. The fatality rate for 1987 reached an all-time low of 2.4 fatalities per 100 million miles travelled, a reduction of 27 per cent since 1980. We believe that illustrates the success of cooperative efforts among Federal, State and local governments and the private sector on a broad range of highway safety programs.

We are developing new speed enforcement programs in cooperation with state and local enforcement personnel which will focus on speed as a problem on all highways, not just on the highways posted at 55 or 65 mph. We believe these programs hold the promise for safety benefits similar to those produced by drunk driving and safety belt programs, and we intend to implement them regardless of the status of the national maximum speed limit.

Senator Graham

QUESTION 4

How do you explain to state and local law enforcement officials that they should deploy their limited forces to ensure that everyone is complying with the posted speed limit rather than concentrating those same forces in areas where the most deaths and injuries are occuring?

ANSWER

We would strongly prefer that law enforcement agencies deploy their safety resources to address their safety problems, and we recognize that different utilization strategies will be called for in different parts of the country. It is for this reason that we are urging Congress to repeal the compliance formula and sanctions under the national maximum speed limit law. Without the threat of sanctions, State and local law enforcement agencies would be able to focus on high-risk roads where more crashes occur. Those may include high-speed roads posted at 55 or 65 mph, or they may be roads posted at lower speeds. In any event, those decisions should be made by State and local officials who can take the local needs into account, and not by an inflexible Federal statute.

Senator Symms

QUESTION NO. 1

We have heard testimony which alleges that by not extending the compliance measures to highways posted above 55 mph, some States are being pressured to increase their speed limits just to escape the threat of funding sanctions. But, if speed data from highways posted above 55 mph were included in data used to determine whether States meet the 50 percent compliance requirement, would pressure to adopt higher speed limits be eliminated?

ANSWER

There are many ways in which speed data from highways with different speed limits can be combined to describe statewide speed limit compliance. Based on the assumption that this question has in mind a system whereby a State could report no more than 50 percent exceeding 55 mph on roads posted at 55, and no more than 50 percent exceeding 65 mph on those highways, the answer is no.

For all highways now eligible for a 65 mph speed limit, all historical data indicate that the percent exceeding 65 mph on sections posted at 65 will be less than the percent exceeding 55 mph on those sections that remain posted at 55, in many cases, significantly so. If both performance characteristics are judged against the same sanction threshold (i.e., a 50 percent maximum), any State will look better in a compliance sense by measuring and reporting the percent exceeding 65 if they have a choice on a particular road, rather than the percent exceeding 55 mph.

April 5, 1988
HTO-31

Senator Symms

QUESTION NO 2

Does the threat of Federal funding sanctions improve highway safety?

ANSWER

No; in our view, the threat of Federal funding sanctions has no relationship to highway safety. Funding sanctions are generally tied to a single program and will often bring about reluctant compliance by a State with a specific requirement. The status of highway safety, however, results from a constantly changing mix of factors involving the highway, vehicle and driver.

Senator Symms

QUESTION NO. 3

Can you cite any valid evidence suggesting that highway fatalities or fatality rates have increased due in part or in whole, to higher posted speed limits on rural Interstates?

ANSWER

The agency is conducting an assessment of the rural Interstate fatality changes in 1987, when many states increased their speed limit on these highways. This assessment is using data from the first nine months of 1987 in order to meet the Congressionally-mandated requirement of providing a preliminary report on this issue. Although we believe that more time is necessary for a comprehensive report, which we intend to complete by September, we are preparing the interim report and will soon submit a copy for the Subcommittee's consideration.

Senator Symms

QUESTION 4

Can you cite any evidence to suggest that states are not enforcing the speed limit on Interstate highways posted above 55 mph?

ANSWER

There is no evidence to support the suggestion that states are not enforcing speed limits on Interstate highways posted above 55 mph. Under the current statute, states that have posted rural Interstate highways above 55 mph are not required to submit speed monitoring or enforcement data for these highways. However, there is evidence that some law enforcement agencies, particularly State Police/Highway Patrol agencies, are strictly enforcing the 65 mph limit. For example, the Ohio State Highway Patrol issues citations for speeds 66 mph and above. Between July 15 and December 31, the Patrol issued approximately 4,000 citations for speeds in this range. We have evidence that other States have taken an aggressive approach to enforcing 65 mph. Florida, between May 1 and September 30, 1987, issued over 20,000 citations for speeds exceeding 65 mph. New Hampshire, during this same time frame, reports over 20,700 citations issued for similar violations.

Senator Symms

QUESTION 5

Can effective monitoring and enforcement of speed limit laws and general highway safety be attained without federal sanctions?

ANSWER

Our experience with the state and community highway safety program under title 23 demonstrates that highway safety is better served by close cooperation between the states and the federal government than by the threat of sanctions. We believe that cooperation among safety personnel at all levels has been the key to the success of programs such as drunk driving, safety belt use, and traffic law enforcement. These programs have contributed greatly to the steady decline in the fatality rate, which now stands at an all-time low of 2.4 fatalities per 100 million miles travelled. In our view, the new speed enforcement programs which we are developing with state and community law enforcement personnel will help to push the rate further downward.

U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

The Administrator

400 Seventh St., S.W.
Washington, D.C. 20590

APR 13 1988

The Honorable Daniel Patrick Moynihan
Chairman, Subcommittee on Water Resources,
  Transportation, and Infrastructure
United States Senate
Washington, D.C. 20510-6175

Dear Mr. Chairman:

We are enclosing our answers to the Subcommittee's questions for the record of the 55 mph speed limit hearing held on February 25, 1988.

If we could be of further assistance to you, we would be pleased to provide any information.

Sincerely,

Jeffrey R. Miller
Deputy Administrator,
National Highway Traffic
  Safety Administration

R. D. Morgan
Executive Director,
Federal Highway Administration

Enclosures Answers

Get it together!
SAFETY BELTS SAVE LIVES

Senator Burdick

QUESTION 1

A new transportation safety office has just been created at DOT to oversee safety issues involving the agencies within the Department. Will this office oversee speed limit issues?

ANSWER

The operational responsibility for administering the national maximum speed limit law has been and will continue to be with FHWA and NHTSA. Responsibility for assisting states with speed limit enforcement programs will continue to rest with NHTSA. Because of associated legislative and policy issues, the Office of the Secretary has performed an oversight role and will continue that involvement.

The Office of Safety Program Review was established within the Office of the Secretary to continue the work of the Department's Safety Review Task Force. The Office is tasked with assessing the effectiveness of Department operating administrations in conducting their various safety programs. In that capacity, the new office has the responsibility to conduct oversight reviews which may examine, for example, the appropriateness of missions and objectives and the effectiveness of enforcement, or rulemaking aspects of the operating administrations' safety programs. The new office is not structured for continuing oversight of day-to-day administration of speed limit issues or other specific programs.

Senator Burdick

QUESTION NO. 2

In monitoring the speed limit program, the Office of the Secretary, the Federal Highway Administration, and the National Highway Traffic Safety Administration are all involved within the Department of Transportation. Does this lead to complications in administering the program?

ANSWER

No. We find that there are no serious complications between the three organizational units in administering the program. The Federal Highway Administration's role is to manage the field data collection and monitoring process. The States follow regulatory instructions, 23 CFR Part 659, Speed Monitoring Program Procedural Manual, in operating their speed monitoring programs and receive annual approval of their speed monitoring plans by FHWA field offices. The National Highway Traffic Safety Administration works with the States and provides grant funds for police traffic enforcement programs. The Office of the Secretary's responsibilities lie mainly with those issues regarding the sanctioning process for States found to be out of compliance.

Senator Burdick

QUESTION 3

What is your view of a proposal from the California Highway Patrol to allow a certain number of points to be subtracted from a State's point total based on the State's efforts to make improvements in highway safety with, for example, a mandatory seat belt law or a strong DWI enforcement program?

ANSWER

Although we strongly support safety belt laws and effective DWI enforcement efforts, we believe that inserting such considerations into the speed limit law would introduce needless further complications into the determination of compliance. Our strong preference would be for Congress to repeal the compliance requirements and sanctions altogether, as we testified on February 25.

Senator Burdick

QUESTION 4

The GAO study found no evidence that the current monitoring practices to show compliance correspond to improved highway safety. For example, GAO notes the lack of a relationship between the percentage of traffic exceeding 55 and the fatality rate on rural Interstates. Is it time to revise the compliance formula to make it relate better to safety?

ANSWER

We agree with GAO that there is little or no correlation between the percentage of a state's motorists reported as complying with the 55 mph speed limit and that state's fatality rate on 55 mph highways. However, it is our view that the compliance formula cannot realistically be revised in a way that is free of the problems cited by GAO. There are, in fact, many factors which affect overall highway safety, and it is not possible to develop a meaningful quantifiable "formula" that takes all of them into account. We strongly urge that Congress repeal the compliance formula and the sanctions for noncompliance.

Senator Burdick

QUESTION NO. 5

In addition to the 55 mph speed limit, what other safety measures would you say have had the greatest effect on reducing highway deaths and injuries?

ANSWER

In 1980, the fatality rate (fatalities per 100 million vehicle miles) was 3.3. In 1987, when an estimated 46,000 lives were lost in traffic crashes, the preliminary fatality rate was 2.4 (final 1987 vehicle mileage data will not be available until September 1988). If 1987 would have had the same fatality rate as 1980, over 63,000 fatalities would have occurred on U.S. highways compared to the estimated count of 46,000. Clearly, traffic safety has improved dramatically during this period.

Many factors contribute to the reduction in highway fatalities and injuries. Improved roads, safer vehicles, less drinking and driving and greater safety belt use are some of the principal reasons that America's roads are safer today than ever before.

We estimate that safety belts have saved over 8,000 lives and prevented 95,000 injuries over the five year period 1983 - 1987. Much of this reduction has occurred as a result of state laws requiring the use of safety belts. Additionally, fatalities involving alcohol intoxication (Blood Alcohol Concentrations of .10 or greater) have declined from an estimated 46 percent of all traffic fatalities in 1982 to 40 percent in 1987.

Senator Burdick

QUESTION NO. 6

How reliable are present accident reporting practices in determining the actual cause of an accident? Do accident reports differentiate between speed or alcohol or something else as the specific cause of the death or injury? Are accident reports standardized, or does each State or locality have its own report form?

ANSWER

We do not rely on police accident reports as a reliable source for determining the actual cause of highway crashes. Because of the many factors which typically contribute to the cause of an accident, it is rarely possible to identify one specific cause. Police officers do, however, often specify what they think is a likely cause of the crash on the basis of their investigation and experience. NHTSA data files contain related factors, such as alcohol and speed. This is different from cause, however, in that one cannot state that these factors caused the crash, but rather, they were associated with the crash.

Police accident reports are not standardized from State to State. Report forms differ substantially among individual states, and in some states, local police use one form while state police use another. NHTSA has a number of activities directed at improving the quality, consistency and standardization of police accident reports, and has seen some improvements in recent years. For example, in 1980, only about 12 States recorded safety belt use on accident reports. In 1988, all 50 States and the District of Columbia will be recording safety belt use on police accident report forms.

Senator Burdick

QUESTION NO. 7

Please describe the ways in which NHTSA's Section 402 highway safety grant funds are used for enforcement of the national maximum speed limit? The DOT testimony refers to earmarking of these monies. Please describe.

ANSWER

The Federal highway safety program, administered by NHTSA, makes funds available to the States each year for a wide range of safety programs. In recent years, Congress has specifically required that $20 million of those funds each year (out of $100-120 million) be spent on enforcement of the national maximum speed limit. States analyze needs and make the determination of how these funds should be spent. In general, states provide funds to law enforcement agencies to increase manpower for speed enforcement, to purchase specialized equipment to aid in this enforcement effort, and to provide specialized training to the law enforcement officer. Funds are frequently used also to print materials to provide public information and education to the driver on excess speed and other unsafe driving practices. Examples of the State's use of these earmarked funds include:

- EQUIPMENT
  - purchase of speed enforcement equipment such as radar, Visual Average Speed Computer and Recorder (VASCAR), Visual display radars, motorcycles, citizen band radios, automated speed detectors (cameras) and unconventional vehicles.

- PUBLIC INFORMATION AND EDUCATION

  - consists mainly of printed materials such as brochures, payroll stuffers, and posters on speed and safe driving practices, as well as printing and reproduction of curriculums for driver education classes, and other types of information and handout materials to encourage voluntary compliance with posted speed limits.

- ENFORCEMENT STRATEGIES

  - Selective Traffic Enforcement Programs (STEP), Combined Accident Reduction Enforcement (Operation CARE), Special Task Forces, funding of overtime and/or fulltime positions, and saturation patrols.

- TRAINING

  - radar operation and recertification training, STEP enforcement program training, and instruction in accident investigation and reconstruction.

Senator Burdick

QUESTION NO. 8

Are States or the Federal government collecting the information needed to do a meaningful statistical analysis of the effect the increase in the speed limit to 65 has had?

ANSWER

NHTSA is collecting data necessary to perform an accurate and meaningful analysis of the effects of the increased speed limit on rural Interstate fatalities from a national perspective. The data needed to perform this analysis are being supplied by states, the Federal Highway Administration, and NHTSA's Fatal Accident Reporting System.

One set of data that is difficult to obtain is travel speed information in states that raised their rural Interstate speed limit. Since states are not required by law to collect travel speed data on roads with speed limits above 55 mph, only limited data from states that have continued to collect this information are available. We will continue attempts to obtain this information for use in our analyses of the safety impact of increasing the rural Interstate speed limit.

Senator Burdick

QUESTION NO. 9

According to the most recent data available, three of the States at the low end of the scale in terms of vehicles exceeding the 55 limit are at the top of the list showing rate of highway fatalities. For example, West Virginia reports only 25.5 percent of her drivers exceeding 55, but West Virginia's fatality rate is one of the highest nationally. Please comment.

ANSWER

Many factors other than the percent of drivers exceeding 55 mph contribute to a state's fatal crash experience. Such factors include vehicle fleet characteristics, highway design, geographical terrain, weather, population density, traffic congestion, alcohol consumption, safety belt use rates, emergency medical services, police traffic enforcement efforts, and speeds on roads posted below 55 mph. All of these factors can affect fatal crash rates. For this reason, there is not likely to be a clear cut relationship between any one factor and a state's fatality rate.

Senator Burdick

QUESTION NO. 10

The DOT testimony refers to speed-related accident data but makes no mention of the report NHTSA released last December which has been cited repeatedly since as showing that the increase to a 65 mph speed limit has led to an increase in fatalities on rural Interstates. Have you retracted that report?

ANSWER

The release by NHTSA in December 1987 was not a report. At that time, the agency had raw data on traffic fatalities on rural Interstate highways in the first few months after the speed limit on these roads was increased. These data were released in response to a request from Chairman James Howard of the House Committee on Public Works and Transportation.

While we never retracted the data, at the time the agency released the information we emphasized that these were short-term (less than four months) data for selected states and cautioned against drawing any conclusions based on such fragmentary statistics. The agency also stated that September 1988 was the earliest date by which a meaningful analysis of the safety impact of the increased rural Interstate speed limit could be completed.

Senator Burdick

QUESTION NO. 11

A month ago NHTSA Administrator Steed, stated "conclusions should not be drawn from this small, fragmentary data base which showed enormous State-to-State variability." Would you set the record straight on whether that data should be used?

ANSWER

On January 22, 1988, the Administrator wrote a letter to Secretary Ronald R. Fiedler of the Wisconsin Department of Transportation. In that letter the Administrator made the statement quoted in the question. She went on to state that NHTSA needs to collect and analyze more data and examine highway factors such as actual travel speeds and vehicle miles traveled, before reaching any tentative decisions on the safety impact of the increase in speed limits on rural Interstate highways. As was stated then, no conclusions should be drawn from the small amount of data covered by the December 1987 release.

The agency remains committed to conducting a careful and professional study on the safety impact of the increased rural Interstate speed limits, as requested by Congress.

Senator Burdick

QUESTION NO. 12

Why was data from Alaska included in the December 1987 NHTSA analysis? As you know, the Alaska Interstate routes are so termed for funding eligibility purposes, but they are in fact two-lane, uncontrolled access roads, hardly what we think of as Interstates.

ANSWER

Alaska has about 1100 miles of roads which are specially designated under federal law as "Interstate highways." While these highways are functionally similar to Interstate highways (they link population and industrial centers), they are dissimilar from a construction standpoint (not four-lane, divided fully access-controlled).

Even though these roads do not meet Interstate design standards, they have been generally included under the "Interstate" category for NHTSA statistical compilation purposes.

Thus, when NHTSA was called upon to release the raw data in December 1987, the data for Alaska roads designated as Interstates were counted as such. Subsequently, as the agency has studied the issue of rural Interstate safety, we have concluded that these Alaskan highways should be treated as non-Interstates, since they are not constructed to Interstate design standards.

Senator Burdick

QUESTION NO. 13

If the Alaska data is disregarded from the NHTSA report, what do the accident trends show for States that did not go to 65 mph as opposed to those that did?

ANSWER

Tables 1 and 2 present the data in the December 1987 release (note - the numbers are slightly different from the 1987 release due to errors in the 1987 release made in transposing individual state values to the tables). Tables 3 and 4 present that data with Alaska taken out of the "rural Interstate" category and moved to the "other" road category.

Table 1:

Estimated fatalities in 12 states that increased speed limits by April 22, 1987

	Jan-Mar	Apr-Jul
Estimated rural Interstates		
1986	106	168
1987	113	247
Estimated others		
1986	1,221	2,160
1987	1,126	1,922

Estimated fatalities in 7 states that did not increase speed limits by October 1987 (Alaska designated rural Interstates counted as rural Interstates):

	Jan-Mar	Apr-Jul
Estimated rural Interstates		
1986	34	69
1987	36	95
Estimated others		
1986	1,434	2,672
1987	1,430	2,591

Table 2:

Estimated fatalities in 22 states that increased speed limits by May 22, 1987

	Jan-Mar	May-Jul
Estimated rural Interstates		
1986	223	312
1987	238	457
Estimated others		
1986	3,641	4,898
1987	3,534	4,396

Estimated fatalities in 7 states that did not increase speed limits by October 1987 (Alaska designated rural Interstates counted as rural Interstates)

	Jan-Mar	May-Jul
Estimated rural Interstates		
1986	34	62
1987	36	68
Estimated others		
1986	1,434	2,141
1987	1,430	2,104

Table 3:

Estimated fatalities in 12 states that increased speed limits by April 22, 1987

	Jan-Mar	Apr-Jul
Estimated rural Interstates		
1986	106	168
1987	113	247
Estimated others		
1986	1,221	2,160
1987	1,126	1,922

Estimated fatalities in 7 states that did not increase speed limits by October 1987 (Alaska counted as other roads)

	Jan-Mar	Apr-Jul
Estimated rural Interstates		
1986	29	52
1987	35	85
Estimated others		
1986	1,439	2,689
1987	1,431	2,601

Table 4:

Estimated fatalities in 22 states that increased speed limits by May 22, 1987

	Jan-Mar	May-Jul
Estimated rural Interstates		
1986	223	312
1987	238	457
Estimated others		
1986	3,641	4,898
1987	3,534	4,396

Estimated fatalities in 7 states that did not increase speed limits by October 1987 (Alaska counted as other roads)

	Jan-Mar	May-Jul
Estimated rural Interstates		
1986	29	45
1987	35	64
Estimated others		
1986	1,439	2,158
1987	1,431	2,108

Regardless of whether Alaskan data are considered "Interstate" or "non-Interstate," NHTSA continues to caution that the data in the foregoing tables are too small and fragmentary to support any conclusions about the safety impacts of speed limits.

Senator Burdick

QUESTION 14

For the record please furnish copies of the following:

a. NHTSA's report, Fatalities on Rural Interstate Highways, released in December 1987;
b. the January 8, 1988 letter from Mr. Ronald R. Fiedler, Secretary, Wisconsin Department of Transportation to Secretary Burnley regarding the above report; and
c. the reply to Mr. Fiedler from Administrator Steed, dated January 22, 1988.

ANSWER

The copies you requested are attached for the record.

Fatalities on Rural Interstate Highways

NHTSA has received preliminary, partial-year statistics for traffic fatalities on rural Interstates, from 22 states that have raised the posted limits and from 7 which have not. Those figures indicate higher levels of fatalities, particularly for those that raised the posted limits, for 1987 compared to the same periods of 1986.

The agency emphasizes that these are only short-term (less than four months) data for selected states, and cautions against drawing conclusions from that data about long-term national trends. The data reflect substantial state-by-state variation, which indicate that a wide range of outcomes may be possible. NHTSA also notes that this class of roadway (rural Interstates) accounts for less than 5% of total traffic fatalities; there may be other "trends" in other (larger) categories, and in the total. The agency also has not yet obtained and analyzed other important data elements, such as actual travel speeds on rural Interstates, total crash statistics, alcohol involvement, vehicle miles traveled and types of vehicles involved. NHTSA is committed to analyzing all of those factors as part of its ongoing study of the effect of rural Interstate speed limits.

The new highway bill enacted on April 2, 1987, permitted states to increase their posted speed limits on rural Interstate highways from 55 mph to 65 mph. As of May 22, 1987, a total of 27 states had opted for the higher limits on some or all of the eligible rural Interstates; another eleven states did so later in the year.

The National Highway Traffic Safety Administration (NHTSA) collects highway safety data, including a census of all fatal crashes occurring on public roads in the U.S. NHTSA has committed to the Congress to conduct a careful, multi-year study to assess the effects of the new rural Interstate speed limit on actual travel speeds, crash involvement, injuries and fatalities. The agency expects to have its first report available in September 1988, with initial analysis of data through 1987. NHTSA believes that is the earliest dates by which meaningful analysis can be completed on 1987 data with reasonable statistical reliability.

The following tables compare fatality data for 1987 with comparable figures from 1986 for (a) rural Interstate highways, and (b) all other highways. The comparisons are made first for 12 states that raised their posted speed limits prior to April 22, 1987, and then for 22 states that raised their limits prior to May 22, 1987. More detailed tables, showing the state-by-state figures, are also attached.

Table 1

Estimated Fatalities in Twelve States That Increased Speed Limits by April 22, 1987:[1]

	Jan-Mar	Apr-Jul
On rural interstates		
1986	106	168
1987	113	247
On all other roads		
1986	1,221	2,160
1987	1,126	1,922

Estimated Fatalities in Seven States That Did Not Increase Speed Limits by October 1987:[2]

	Jan-Mar	Apr-Jul
On rural interstates		
1986	34	69
1987	36	94
On all other roads		
1986	1,417	2,628
1987	1,411	2,552

1. Fourteen states raised their rural interstate speed limit by April 22, 1987, but data from only twelve were usable because sufficient information on road type was available.

2. Thirteen states had not raised the rural interstate speed limit by October 1987, but data from only seven were usable.

Table 2

Estimated Fatalities in Twenty-Two States That Increased Speed Limits by May 22, 1987:[3]

	Jan-Mar	May-Jul
On rural interstates		
1986	219	296
1987	238	450
On all other roads		
1986	3,610	4,830
1987	3,492	4,350

Estimated Fatalities in Seven States That Did Not Increase Speed Limits by October 1987:[4]

	Jan-Mar	May-Jul
On rural interstates		
1986	34	62
1987	36	68
On all other roads		
1986	1,417	2,141
1987	1,411	2,104

3. Twenty-seven states raised their rural interstate speed limit by May 22, 1987, but data from only twenty-two were usable because sufficient information on road type was available.

4. Thirteen states had not raised the rural interstate speed limit by October 1987, but data from only seven were usable.

State Fatality Estimates for Table 1 (top)

Arizona

	Jan-Mar	Apr-Jul
Estimated rural interstates		
1986	28	26
1987	20	67
Estimated others		
1986	202	303
1987	162	265

Arizona raised the speed limit on rural interstates 4/15/87.

Arkansas

	Jan-Mar	Apr-Jul
Estimated rural interstates		
1986	18	6
1987	3	17
Estimated others		
1986	113	197
1987	134	201

Arkansas raised the speed limit on rural interstates 4/20/87.

Colorado

	Jan-Mar	Apr-Jul
Estimated rural interstates		
1986	12	19
1987	15	18
Estimated others		
1986	89	220
1987	87	177

Colorado raised the speed limit on rural interstates 4/6/87.

Louisiana

	Jan-Mar	Apr-Jul
Estimated rural interstates		
1986	7	10
1987	25	34
Estimated others		
1986	212	324
1987	174	254

Louisiana raised the speed limit on rural interstates 4/6/87.

State Fatality Estimates for Table 1 (top) -- continued

Mississippi	Jan-Mar	Apr-Jul
Estimated rural interstates		
1986	11	14
1987	4	18
Estimated others		
1986	167	257
1987	132	256

Mississippi raised the speed limit on rural interstates 4/14/87.

Montana	Jan-Mar	Apr-Jul
Estimated rural interstates		
1986	4	16
1987	0	12
Estimated others		
1986	31	78
1987	42	69

Montana raised the speed limit on rural interstates 4/22/87.

New Mexico	Jan-Mar	Apr-Jul
Estimated rural interstates		
1986	13	27
1987	21	47
Estimated others		
1986	95	154
1987	81	156

New Mexico raised the speed limit on rural interstates 4/6/87.

North Dakota	Jan-Mar	Apr-Jul
Estimated rural interstates		
1986	2	1
1987	0	3
Estimated others		
1986	14	31
1987	16	34

North Dakota raised the speed limit on rural interstates 4/8/87.

State Fatality Estimates for Table 1 (top) -- continued

Oklahoma

	Jan-Mar	Apr-Jul
Estimated rural interstates		
1986	8	31
1987	7	14
Estimated others		
1986	142	254
1987	102	201

Oklahoma raised the speed limit on rural interstates 4/15/87.

South Dakota

	Jan-Mar	Apr-Jul
Estimated rural interstates		
1986	0	1
1987	5	7
Estimated others		
1986	20	46
1987	23	34

South Dakota raised the speed limit on rural interstates 4/15/87.

Vermont

	Jan-Mar	Apr-Jul
Estimated rural interstates		
1986	0	0
1987	5	0
Estimated others		
1986	17	42
1987	15	34

Vermont raised the speed limit on rural interstates 4/20/87.

Washington

	Jan-Mar	Apr-Jul
Estimated rural interstates		
1986	3	17
1987	8	10
Estimated others		
1986	120	254
1987	158	241

Washington raised the speed limit on rural interstates 4/22/87.

State Fatality Estimates for Table 1 (bottom)

Alaska

	Jan-Mar	Apr-Jul
Estimated rural interstates		
1986	5	17
1987	1	10
Estimated others		
1986	9	34
1987	12	23

Massachusetts

	Jan-Mar	Apr-Jul
Estimated rural interstates		
1986	7	2
1987	5	4
Estimated others		
1986	156	247
1987	141	220

Michigan

	Jan-Mar	Apr-Jul
Estimated rural interstates		
1986	2	6
1987	9	13
Estimated others		
1986	261	601
1987	275	524

Michigan raised the speed limit on rural interstates 11/29/87.

New Jersey

	Jan-Mar	Apr-Jul
Estimated rural interstates		
1986	4	4
1987	5	5
Estimated others		
1986	214	374
1987	188	335

New York

	Jan-Mar	Apr-Jul
Estimated rural interstates		
1986	6	15
1987	6	21
Estimated others		
1986	412	722
1987	419	800

State Fatality Estimates for Table 1 (bottom) -- continued

Pennsylvania

	Jan-Mar	Apr-Jul
Estimated rural interstates		
1986	10	25
1987	10	40
Estimated others		
1986	365	650
1987	376	641

Rhode Island

	Jan-Mar	Apr-Jul
Estimated rural interstates		
1986	0	0
1987	0	1
Estimated others		
1986	17	44
1987	19	39

State Fatality Estimates for Table 2 (top)

Arizona

	Jan-Mar	May-Jul
Estimated rural interstates		
1986	28	19
1987	20	51
Estimated others		
1986	202	238
1987	162	194

Arizona raised the speed limit on rural interstates 4/15/87.

Arkansas

	Jan-Mar	May-Jul
Estimated rural interstates		
1986	18	6
1987	3	10
Estimated others		
1986	113	146
1987	134	151

Arkansas raised the speed limit on rural interstates 4/20/87.

California

	Jan-Mar	May-Jul
Estimated rural interstates		
1986	42	64
1987	46	94
Estimated others		
1986	1,055	1,310
1987	1,180	1,318

California raised the speed limit on rural interstates on 5/14/87.

Colorado

	Jan-Mar	May-Jul
Estimated rural interstates		
1986	12	15
1987	15	14
Estimated others		
1986	88	167
1987	87	145

Colorado raised the speed limit on rural interstates 4/6/87.

State Fatality Estimates for Table 2 (top) -- continued

Idaho	Jan-Mar	May-Jul
Estimated rural interstates		
1986	2	5
1987	3	11
Estimated others		
1986	37	79
1987	33	76

Idaho raised the speed limit on rural interstates on 5/5/87.

Iowa	Jan-Mar	May-Jul
Estimated rural interstates		
1986	4	3
1987	3	9
Estimated others		
1986	70	122
1987	75	130

Iowa raised the speed limit on rural interstates on 5/12/87.

Kansas	Jan-Mar	May-Jul
Estimated rural interstates		
1986	7	5
1987	6	16
Estimated others		
1986	112	132
1987	89	115

Kansas raised the speed limit on rural interstates on 5/14/87.

Louisiana	Jan-Mar	May-Jul
Estimated rural interstates		
1986	7	8
1987	25	31
Estimated others		
1986	212	247
1987	174	190

Louisiana raised the speed limit on rural interstates 4/6/87.

State Fatality Estimates for Table 2 (top) -- continued

Mississippi	Jan-Mar	May-Jul
Estimated rural interstates		
1986	11	10
1987	4	18
Estimated others		
1986	167	199
1987	132	196

Mississippi raised the speed limit on rural interstates 4/14/87.

Missouri	Jan-Mar	May-Jul
Estimated rural interstates		
1986	14	14
1987	7	24
Estimated others		
1986	194	315
1987	220	244

Missouri raised the speed limit on rural interstates 4/30/87.

Montana	Jan-Mar	May-Jul
Estimated rural interstates		
1986	4	16
1987	0	7
Estimated others		
1986	31	68
1987	42	46

Montana raised the speed limit on rural interstates 4/22/87.

Nebraska	Jan-Mar	May-Jul
Estimated rural interstates		
1986	4	1
1987	1	3
Estimated others		
1986	59	78
1987	65	72

Nebraska raised the speed limit on rural interstates 4/28/87.

State Fatality Estimates for Table 2 (top) -- continued

New Mexico	Jan-Mar	May-Jul
Estimated rural interstates		
1986	13	24
1987	21	37
Estimated others		
1986	95	118
1987	81	127

New Mexico raised the speed limit on rural interstates 4/6/87.

North Dakota	Jan-Mar	May-Jul
Estimated rural interstates		
1986	2	1
1987	0	3
Estimated others		
1986	14	28
1987	16	24

North Dakota raised the speed limit on rural interstates 4/8/87.

Oklahoma	Jan-Mar	May-Jul
Estimated rural interstates		
1986	8	23
1987	7	13
Estimated others		
1986	142	195
1987	102	153

Oklahoma raised the speed limit on rural interstates 4/15/87.

South Dakota	Jan-Mar	May-Jul
Estimated rural interstates		
1986	0	1
1987	5	7
Estimated others		
1986	20	39
1987	23	30

South Dakota raised the speed limit on rural interstates 4/15/87.

State Fatality Estimates for Table 2 (top) -- continued

Texas	Jan-Mar	May-Jul
Estimated rural interstates		
1986	33	58
1987	56	63
Estimated others		
1986	747	940
1987	642	751

Texas raised the speed limit on rural interstates 5/9/87.

Utah	Jan-Mar	May-Jul
Estimated rural interstates		
1986	6	17
1987	3	18
Estimated others		
1986	38	85
1987	58	64

Utah raised the speed limit on rural interstates 5/22/87.

Vermont	Jan-Mar	May-Jul
Estimated rural interstates		
1986	0	0
1987	5	0
Estimated others		
1986	17	37
1987	15	28

Vermont raised the speed limit on rural interstates 4/20/87.

Washington	Jan-Mar	May-Jul
Estimated rural interstates		
1986	3	12
1987	8	10
Estimated others		
1986	120	199
1987	158	187

Washington raised the speed limit on rural interstates 4/22/87.

State Fatality Estimates for Table 2 (top) — continued

West Virginia

	Jan-Mar	May-Jul
Estimated rural interstates		
1986	2	5
1987	1	3
Estimated others		
1986	90	105
1987	97	125

West Virginia raised the speed limit on rural interstates 5/9/87.

Wyoming

	Jan-Mar	May-Jul
Estimated rural interstates		
1986	3	5
1987	3	15
Estimated others		
1986	18	51
1987	8	36

Wyoming raised the speed limit on rural interstates 5/22/87.

State Fatality Estimates for Table 2 (bottom)

Alaska	Jan-Mar	May-Jul
Estimated rural interstates		
1986	5	17
1987	1	4
Estimated others		
1986	9	31
1987	12	23

Massachusetts	Jan-Mar	May-Jul
Estimated rural interstates		
1986	7	0
1987	5	14
Estimated others		
1986	156	207
1987	141	181

Michigan	Jan-Mar	May-Jul
Estimated rural interstates		
1986	2	5
1987	9	10
Estimated others		
1986	261	477
1987	275	436

Michigan raised the speed limit on rural interstates 11/29/87.

New Jersey	Jan-Mar	May-Jul
Estimated rural interstates		
1986	4	3
1987	5	3
Estimated others		
1986	214	302
1987	188	267

New York	Jan-Mar	May-Jul
Estimated rural interstates		
1986	6	15
1987	6	13
Estimated others		
1986	412	571
1987	419	640

State Fatality Estimates for Table 2 (bottom) -- continued

Pennsylvania	Jan-Mar	May-Jul
Estimated rural interstates		
1986	10	22
1987	10	33
Estimated others		
1986	365	516
1987	376	525

Rhode Island	Jan-Mar	May-Jul
Estimated rural interstates		
1986	0	0
1987	0	1
Estimated others		
1986	17	37
1987	19	32

Wisconsin Department of Transportation

OFFICE OF THE SECRETARY
P.O. Box 7910
Madison, WI 53707-7910

ACTION
is assigned to
NHTSA
CONTROL NO
880111-021
SIMS S-10

January 8, 1988

Mr. James H. Burnley IV, Secretary
U.S. Department of Transportation
Room 10200
400 7th Street S.W.
Washington, D.C. 20590

Dear Mr. Burnley:

At the outset, I would like to congratulate you on your nomination and recent confirmation as Secretary of the U.S. Department of Transportation. Given your experience in the department and your administrative abilities, I know you will do an outstanding job of leading the USDOT.

I am Secretary of the Wisconsin Department of Transportation, a large multimodal state transportation agency that, like USDOT, has a broad responsibility to balance all aspects of transportation policy to serve the needs and desires of the public. I know you share these same concerns and responsibilities in regard to national transportation policy concerns. I am also chairman of the Standing Committee on Highway Traffic Safety of the American Association of State Highway and Transportation Officials, which is concerned with highway safety matters throughout the nation.

I am writing to ask your direct involvement in straightening out an increasingly serious problem being caused by the provision of some highly questionable data by NHTSA to Congress and the continuing misuse of the data by public officials and interest group representatives throughout the nation.

The data in question is the statistical compilation which compared highway fatalities in certain time periods in 1986 and 1987 in states which increased rural Interstate speed limits to 65 MPH and in states where speed limits were not changed. It is my understanding that this data was compiled by NHTSA in response to a specific request from a Congressional committee, which in turn used the data without regard for the limitations placed on the data by NHTSA.

I am asking you to become personally involved by issuing a strong warning against the further use of any data from this NHTSA document and asking policy makers and the public to refrain from any and all comparisons and conclusions based on this data.

Although NHTSA was very careful to avoid conclusions and very specific in pointing out the limitations of the data, the sample and the comparison period, those warnings have been lost in subsequent public discussion.

Further, an apparent lack of awareness of definitional problems in the data resulted in the inclusion of highway fatality data from Alaska in the control group, even though there are no rural four-lane controlled access highways in the state. As a result, all the comparison of Interstate fatality totals are incorrect and using the data as is will lead to wholly invalid conclusions.

As you know, a valid statistical study must be designed to isolate only the effects of the variables being studied. In addition, it must cover a time sufficient to overcome short-term phenomena and study groups must be comparable and representative. The data provided by NHTSA meets none of these standards for legitimate comparisons:

- The 22 mostly rural states where speed limits were increased on Interstate highways had 16,787 miles studied; in the control group, the 6 mostly urban states where speed limits were not increased had only 3,061 miles of Interstate.

- In the 22 states where speed limits were increased, 38% of the miles had daily traffic averaging over 10,000 vehicles; in the 6 control group states, 81% of the miles had daily traffic over 10,000 vehicles. Congested Interstates have lower fatality rates than non-congested ones, and the control group routes carry much more traffic.

- No attempt was made to isolate other factors like increases or decreases in total travel, weather, amount of truck traffic, accident causes, terrain, actual as opposed to posted speeds, etc., all of which would need to be accounted for in order to isolate the effect of the speed limit.

- Data from such a short time period and small control group can be heavily influenced by random increases or decreases in accidents that are not part of any real trend and would be neutralized statistically if a larger sample and longer study period were used.

- Finally, the inclusion of the fatality data from Alaska as part of the control group for the Interstate speed limit increase renders all the Interstate fatality comparisons invalid. Despite the fact that over 1,000 miles of two-lane uncontrolled access roads in Alaska are considered "Interstate" routes for purposes of funding eligibility, it is absolutely inappropriate to use accident data from such routes as part of a comparison of fatalities on Interstate routes in the lower 48 states.

- To compound the problem, when the inappropriate data for Alaska is disregarded, the trend appears to show that Interstate fatalities in states that did not increase speed limits went up as much or more than in states that did. This goes against conventional wisdom and may or may not hold up over time. But it does demonstrate the danger of drawing conclusions too soon from insufficient data and a poorly structured comparison sample.

CORRECTING NHTSA DATA CONTAINED IN "FATALITIES ON RURAL INTERSTATE HIGHWAYS"

TABLE 1: Comparing the 12 Group 1 states that permitted 65 mph on rural Interstates by April, 1987 against a control group that did not change speed limits.

	NHTSA Data (includes Alaska in Control)	Corrected Data (Alaska removed from Control)
INTERSTATES	April-July	April-July
Group 1		
1986	168	168
1987	247	247
% Change	+47%	+47%
Control		
1986	69	52
1987	94	84
% Change	+36%	+62%

TABLE 2: Comparing the 22 Group 2 states that permitted 65 mph by May, 1987 against a Control Group that did not change.

	NHTSA Data	Corrected Data
INTERSTATES	May-July	May-July
Group 2		
1986	296	296
1987	450	450
% Change	+52%	+52%
Control		
1986	62	45
1987	68	64
% Change	+10%	+42%

Even if the NHTSA data were entirely accurate, the growing disregard for the shortcomings of the data among the public and the media would merit an effort by USDOT to set the record straight. Given this, plus a serious flaw in the data that was released, it is essential that someone with the highest credibility and respect issue an unqualified disclaimer about the data and a warning against further speculation about the effects of speed limit changes until a sound study can be structured and meaningful data collected and analyzed.

Concern about this data is only heightened by the fact that the conference committee report on the continuing resolution for FY 88 included a section specifically addressing NHTSA studies on the effect of speed limit changes.

The conferees were apparently impatient with NHTSA's proposed timetable for reports to Congress on the impacts of a 65 mph speed limit and have mandated NHTSA to submit an interim report to Congress on March 15, 1988.

Given the misuse that has occurred of the data provided by NHTSA in December, extreme care must be used in preparing the required March 15 report. Knowing of Congressional impatience for results, that report must steer clear of anything that might feed speculation or lead to premature conclusions. NHTSA should insist on whatever study schedule is necessary to ensure that the information and the conclusions are absolutely correct.

The speed limit issue is a difficult question under the best of circumstances which requires a careful balancing of divergent public priorities. Under a cloud of misinformation, sound decision-making becomes increasingly difficult.

Thank you for your assistance in restoring a climate which will permit a reasoned approach to the speed limit issue.

Sincerely,

Ronald R. Fiedler
Ronald R. Fiedler, P.E.
Secretary

RRF:lcb

U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

The Administrator

400 Seventh St., S.W.
Washington, D.C. 20590

JAN 22 1988

Mr. Ronald R. Fiedler, P.E.
Wisconsin Department of Transportation
P.O. Box 7910
Madison, WI 53707-7910

Dear Mr. Fiedler:

Secretary Burnley has asked me to respond to your thoughtful letter concerning traffic fatality data, and to express his thanks for your kind comments on his confirmation. The National Highway Traffic Safety Administration (NHTSA) shares your interest in seeking to minimize the potential for misinterpreting data provided at Congress' request.

We appreciate your recognition of the efforts taken by this agency to point out the severe limitations of the data concerning traffic deaths on rural Interstates posted at 55 mph and 65 mph. When we released the preliminary data, which had been specifically requested by the Chairman of one of our Congressional oversight committees, we highlighted our cautions and reservations about use of those data in a cover sheet (see copy, enclosed). NHTSA emphasized that the figures represented raw preliminary data for only a short period of time and only a small portion of total traffic deaths, without any analysis or consideration of other highway safety factors such as actual travel speed, vehicle miles traveled, and alcohol use.

We certainly share your view that conclusions should not be drawn from this small, fragmentary data base, which showed enormous state-to-state variability. In our view, NHTSA needs to collect and analyze more data, and examine those other highway safety factors, before reaching any tentative decisions on the safety impact of last year's increase in posted speed limits on rural Interstate highways.

Like you, we were disappointed that our caveats were in several instances ignored, leading to potentially misleading statements and analyses in the news media and elsewhere. However, I do not believe that any new statement of cautions from this Department against further use of the data would be particularly effective or useful. Indeed, such a warning might prove counterproductive by simply attracting renewed publicity to the data.

In the recently adopted Continuing Resolution for FY88, our Congressional appropriations committees have directed an interim report by March 15 on the safety effects of the 65 mph speed limit on rural Interstates. Once again, we are concerned that this time frame may still not permit us to collect sufficient data, either on fatalities or on other highway safety factors, to permit meaningful analysis. The agency remains committed to conducting a careful, professional study on the effects of the new posted limits, as we discussed in an outline submitted to Congress last fall (copy also enclosed). Nonetheless, we will do our best to cooperate with this new Congressional request, by providing whatever information is available at the time, along with whatever caveats may be necessary.

I can assure you that NHTSA will continue to emphasize, in this upcoming report and in other instances, just what type of conclusions can reasonably be drawn from data -- and which conclusions cannot properly be made. We also believe that providing improved data and analysis is the best way to clarify the issues involved and overcome any misconceptions arising from possible misuse of preliminary numbers.

Thank you again for sharing your thoughts on this important issue; the Secretary and I take particular interest in the views of State officials on highway safety matters. And please convey to Governor Thompson (and to yourself) my sincere thanks for your contributions to the enactment of Wisconsin's new safety belt law, one of the single most important steps any state can take toward improved highway safety.

Sincerely,

Diane K. Steed

Diane K. Steed

Enclosures

NRD-31:SPartyke:vgw:65362:1/15/88/WP #0666M
Revised:NOA-02:JMiller:x62775:1/21/88
DOT CTL #8801110021 NHTSA CTL #8801110001 0
Copies to: S-1
S-2
S-10
C
P
I
S-1CM
S-1AB
FWWA
NCC-01
NTS-01
NOA-01
NOA-02
NOA-03
NRD-01
NRD-30
NRD-31

Senator Burdick

QUESTION NO. 15

Is NHTSA going to be able to produce a meaningful analysis on the impacts of 65 by March 15, or do you believe that September 1988 is the earliest time such an analysis can be made available?

ANSWER

The data in the forthcoming interim report will present the data available for the period January through September of 1987. The earliest that some states changed their rural Interstate speed limit was April 6, 1987. Thus, a maximum of about 6 months of post-65 mph experience is available for several states and less experience for others.

While some initial trends may be suggested on the basis of this data, the interim report will not have sufficient data available to determine the long-term safety impact of the 65 mph speed limit. We continue to believe that September 1988 is the earliest time that a careful and professional analysis of the effects of the increased rural Interstate speed limit will be available, as we indicated to the Appropriations Committees last fall in our study plan.

Senator Burdick

QUESTION 16

Highway safety is affected, of course, by controlling speed, but also other factors such as seat belt use. Should the present speed limit program be expanded to include other factors?

ANSWER

We agree that overall highway safety is affected by many factors including (but not limited to) drunk driving, safety belt use, and speed (on all roads). But it is our view that the best way to encourage the states to focus their resources most effectively on the complete range of factors influencing safety is to free them of the threat of sanctions in one narrow area - failing to meet the 55 mph speed limit compliance level specified in Section 154. We believe this approach would directly benefit the highway safety program in the States, and we believe it is far preferable to the introduction of additional complicating and inequitable factors into the compliance formula.

Senator Burdick

QUESTION NO. 17

Do you believe the major cause of highway deaths today is unsafe speed, and if so, what information do you have to substantiate that view?

ANSWER

The causes of traffic crashes, and the fatalities and injuries that result from them, are issues that the highway safety community has analyzed for years. The causes stem from three basic categories - the vehicle, the driver, and the environment.

There are many contributors to crashes within each of these. Our data indicate that alcohol use by drivers and the failure of drivers and passengers to use safety belts are two of the primary contributing factors to traffic injuries and fatalities. We have less data available on speed, especially as to the actual travel speed of vehicles involved in serious crashes. We do believe, based on discussion with law enforcement agencies, that certain types of speed-related behavior - such as "excessive" speeding and reckless driving - are also significant factors leading to serious crashes.

Senator Moynihan

QUESTION 1

In light of the concern over the current methods used to determine speed limit compliance, we are investigating alternate methods to judge speed limit compliance as it relates to highway safety. The General Accounting Office, Transportation Research Board, Federal Highway Administration, and your organization are being asked to develop alternate compliance criteria for consideration by the committee. Please submit your proposal to the committee as soon as possible.

ANSWER

After extensive consideration of alternative methods for measuring the states' compliance with the national maximum speed limits, we have concluded that each alternative could lead to results that are no more rational than those under the present compliance formula. Any attempt to set a pass/fail level will necessarily be arbitrary and will create a potential penalty for some states whose speed enforcement efforts and fatality experience are superior to those of other states not threatened with penalties. The alternative compliance formulas suggested by GAO and TRB also fail to take into account highway safety factors other than speed, and fail to take into account speeds on roads posted less than 55 mph. They would, therefore, continue to distort allocation of police resources. As we testified before the Subcommittee, we are recommending that Congress repeal the compliance requirements and the sanctions specified in Section 154.

Senator Moynihan

QUESTION NO. 2

Preliminary reports issued by the National Highway Traffic Safety Administration have found that fatalities on 65 mile per hour rural intersections are up 52 percent over last year. Mr. Jeffrey Miller indicated that an in-depth study of what effect the new speed limit would have on rural intersections as well other speed limit related matters are being prepared. Please provide the committee with copies of these reports as soon as they are available.

ANSWER

The preliminary data concerning fatalities on rural Interstate highways were released by NHTSA in December 1987 in response to a request from Chairman James Howard of the House Committee on Public Works and Transportation. NHTSA cautioned users of these data and stated that conclusions should not be drawn from the data. As such, the data cannot be characterized as a preliminary report issued by NHTSA.

In the December 1987 House-Senate Conference Report accompanying the fiscal year 1988 Continuing Resolution, NHTSA was directed to conduct an analysis of the impact that the increased rural Interstate speed limit would have on traffic safety. Further, Congress directed NHTSA to submit an interim report on the safety impact of the increased speed limit in March 1988. NHTSA will certainly provide the report to the Committee as soon as it is available.

STATEMENT OF
FRANKLIN E. WHITE, COMMISSIONER
NEW YORK STATE DEPARTMENT OF TRANSPORTATION

ON
SPEED LIMIT ISSUES

PRESENTED TO THE
SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION AND INFRASTRUCTURE,
OF THE
SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

FEBRUARY 25, 1988

We are pleased to be here today and have the opportunity to present the views of the New York State Department of Transportation on several issues surrounding the 55 mph and 65 mph national speed limits. We have limited our comments to those issues which are within the area of responsibility of our Department.

New York Supports and Enforces the 55 mph Speed Limit

New York has been a national leader in highway safety. We have a higher level of enforcement of our safer 55 mph speed limit than most states, having issued 18.6 speeding citations per mile of 55 mph highways in 1986, 23 percent over the average for all states. State and local police issued 315,000 citations for violating the 55 mph speed limit in 1986--14 speeding tickets for each accident where speed was reported as a contributing factor, equal to one for every 300 feet of 55 mph highway in the State. In 1987 efforts were stepped-up with almost 350,000 speeding tickets for exceeding the maximum speed limit. These efforts are estimated by the State Police to cost $45 million and are expected to increase substantially in 1988, when, again, additional police personnel will be assigned to speed enforcement.

While we do not presume to comment on actions taken by other states, we believe that maintaining a 55 mph maximum speed limit in New York is an important factor in saving lives. According to our Department of Motor Vehicles, the 3000 to 5000 fatalities saved every year nationally as a result of the 55 mph maximum speed limit translate into a savings of between 100 and 200 lives each year in New York State.

Further, the perception that 55 saves lives is shared by the majority of New York motorists. In a 1986 survey of New York State driver attitudes conducted by the Institute for Traffic Safety Management and Research of the State University of New York at Albany, 58.5 percent of respondents believed that the maximum speed limit on major highways should be kept at 55 mph. About two-thirds also felt that "excessive speed" was a very serious offense.

The Existing Law Is Flawed and Must Be Amended

Despite our continuing commitment to highway safety and our extraordinary enforcement efforts, a technical determination to be made by the Secretary of Transportation concerning the validity of our speed sampling program will determine whether New York will be subjected to a withholding of $22 million in federal-aid next October 1, for "not adequately enforcing the speed limit." However, in our case there is no question about adequate enforcement. It is clearly the arbitrary basis which is prescribed for arriving at that judgement that is at fault, despite New York's deep, long standing and ongoing commitment to highway safety.

We believe that the existing federal law and the regulations promulgated by the U.S. Department of Transportation for its administration are badly flawed. As presently written and administered they have an unequitable and absurd effect.

In allowing states to raise the speed limit on rural interstate highways to 65 mph, Congress did so without requiring speeds on the segments of highway with speed limits above 55 mph to be monitored, enforced or considered by the Secretary of Transportation in making a judgement on whether the speed limit is being adequately enforced. As a consequence, states which have chosen to continue the safe 55 mph speed limit on such sections of highway must include in their computation of the percentage of motorists exceeding the speed limit, the speed data collected on all of the state's rural interstate highways. Since speeds on this class of highway are generally the highest in all states, inclusion of this data results in increasing the estimate of the percentage of motorists exceeding the speed limit and the potential for a finding of non-compliance. Exclusion of such data in states which have raised their speed limit, reduces the estimate of motorists exceeding the speed limit and the risks of a finding of non-compliance in those states.

States which choose to maintain safe 55 mph speed limits on rural interstate highways are placed at a distinct disadvantage. They bear a much higher risk of being cited by the Secretary for not adequately enforcing the speed limit and therefore risk substantial federal sanctions, regardless of the level of enforcement compared to those states which have raised their speed limits. Further, motorists in 55 mph states are travelling as though the speed limit is 65 mph nationally on all rural Interstates, thereby making it even more difficult to maintain reasonable compliance of 55 in states which have not raised the speed limit. Therefore, since Congress did not require monitoring of rural Interstate speeds in the 65 mph states, there is good reason to remove it in 55 mph states.

Suggested Legislative Action by Congress

The American Association of State Highway and Transportation Officials recently adopted a resolution requesting Congressional action to amend the present law so as to eliminate the inequitable treatment of 55 mph states. As a minimum, remedial action should be taken to treat all states equally by removing the requirement for speed monitoring and reporting on all rural interstate highways -- regardless of speed limit.

The inequity of the present law has the unintended effect of giving a strong incentive for states to increase the speed limit, to the detriment of public safety, rather than risk the loss of federal funds. It is ironic that New York could make a mockery of the existing law simply by lowering the speed limit on all of our 55 mph highways by one mile per hour and thereby avoid the necessity for speed monitoring and the possibility of sanctions altogether even though the change would have no perceptible effect on speeds. We have not chosen to take such an action because it would be violative of the spirit but not the letter of the law.

Further, we believe that the present basis for assessing sanctions -- failing to keep at least 50 percent of vehicles below 55 mph on highways posted with that limit -- ignores the relative significance of minor infractions as compared to gross violations of speed laws. If the provision for sanctions is to be retained in the law, we believe that any basis for assessing sanctions should make a distinction between drivers just violating the speed limit at 56 mph and others who may be recorded travelling at 96 mph. The present monitoring system gives equal weight to each as one vehicle travelling over 55 mph. Thus, there is no incentive for states to keep speeds as close to the speed limit as possible.

In 1984 the Transportation Research Board recommended that the existing basis for assessment of sanctions could be improved by instituting a point system that weights the number of drivers travelling at high speeds more heavily than those driving just above the speed limit. For example, a vehicle exceeding the speed limit by less than 5 mph could be counted as one point, vehicles exceeding the speed limit by 10 mph or more could be counted as ten points, and states exceeding a predetermined threshold of points, could be sanctioned. Such a point system would provide a means to differentiate between states whose speeds are only slightly over the speed limit and are making a good faith effort to control speeds from those whose speeds are substantially above the limit.

We are basically opposed to federal sanctions assessed on the basis of estimates of highway speed in the various states. However, if sanctions based upon highway speed are to be continued, we recommend that Congress consider replacing the present simplistic computation used to judge compliance, with one of the more appropriate point systems which explicitly distinguish between the degrees of violation of speed limits.

However, in considering the assessment of sanctions against a state for failure to meet highway speed criteria, Congress may also want the Secretary to consider explicitly the level of enforcement being provided by the State. Recent data suggests that there may be little correlation between the level of enforcement and highway speeds. It appears that in some states, despite extensive efforts to enforce speed limits, average speeds are increasing, and the state may not be able to satisfy Congressionally mandated speed criteria. In such a case, before assessing penalties, the Congress may wish to require the Secretary to take into account the state's enforcement effort, as measured by speeding citations per vehicle mile of travel on highways with 55 mph speed limits, or some similar statistic, as compared to national averages. In cases where citations per vehicle mile of travel exceed national averages, sanctions should not be applied or the level of the percentage of funds withheld should be reduced commensurate with the enforcement effort.

Suggested Administrative Relief by the Secretary

We urge you to take early action to develop and enact legislation to improve the present law. However, depending upon the Secretary's determinations, New York is in danger of having $22 million in highway-aid, which is vitally needed for rehabilitation and reconstruction of our highways and bridges, withheld for "not adequately enforcing the 55 mph speed limit" despite the State's heavy enforcement effort and an extensive record of legislative and administrative highway safety actions. While the current law grants the Secretary administrative discretion in setting the level of sanctions, the administrative rules promulgated by the Secretary for the monitoring of speeds and computation of the percentage of vehicles exceeding the 55 mph speed limit in the state result in a misleading indication of the real speeds in the states.

Section 141 of Title 23, U.S.C. requires that each state annually certify to the Secretary of Transportation that it is enforcing the National Maximum Speed Limit. Section 154 requires that each state shall submit to the Secretary such data as the Secretary determines is necessary to support its certification. The data to be collected must include the percentage of vehicles exceeding the speed limit on those highways with speed limits of 55 mph in accordance with criteria based upon "a representative sample of all vehicles."

The Secretary has developed rigid criteria which specify an elaborate method for randomly selecting monitoring sites on 55 mph highways to sample highway speeds. While it is supposed to result in selection of monitoring sites located to collect a representative speed sample, the criteria specify that monitoring stations cannot be located within 1000 feet of an interchange or intersection, on moderate or steep grades, or near or on sharp curves. Strict application of these criteria resulted in locating New York's monitoring stations predominantly at "free flow" sections of highway with high speeds which are not representative of highways with 55 mph speed limits. As a consequence, the statistics for locations with higher speeds, when expanded in accordance with the FHWA requirements to estimate the number of drivers exceeding the speed limit provides an incorrect representation of statewide compliance with the speed limit.

The densely developed and mature character of New York's urban areas requires frequent spacing of interchanges. As a result, about 40 percent of the 534 miles of urban interstate highways in New York with a 55 mph speed limit are within 1000 feet of an interchange. FHWA does not permit the State to take into account the speed on these sections. In order to sample traffic speeds representative of the urban Interstate system, at least three of the ten monitoring stations required by FHWA for that system in New York should be located on sections serving such developed areas. Similarly, over 2000 miles, almost 15 percent of the total non-Interstate mileage posted at 55 mph in the State, are near intersections or sharp curves. The State, therefore, is not permitted to report speeds at such locations. To sample speeds properly representative of such highways, at least five of the 35 non-Interstate monitoring stations should be in such locations. Including properly weighted data from such unreported typical locations would show a significant improvement in the validity of the data showing the degree of compliance with the 55 mph speed limit.

The impact of allowing inclusion of data representative of the true speed conditions on such highways in the calculation of an estimate of drivers exceeding the speed limit is dramatically illustrated by the inclusion of such data in connection with reporting on speeds for the Long Island Expressway in Nassau County.

This year New York submitted two speed monitoring reports to FHWA for FFY 1987. The first report, which strictly adheres to FHWA criteria on the selection of sampling locations and the computation of speeds, estimates that 50.6 percent of drivers on 55 mph highways in the State exceed the speed limit. A second report was also submitted, identical to the first except that data from an additional speed monitoring site more representative of 65 percent of the Long Island Expressway in Nassau County was included. However, the site was within 1000 feet of an interchange and therefore not in full conformance with FHWA criteria. The inclusion of just this one additional site resulted in an estimate of the number of drivers exceeding the speed limit statewide of 49.35 percent. By including this more representative data from only one of fifty-one sampling locations of actual speeds on 55 mph highways, the estimate of percentage of drivers exceeding the speed limit was reduced by 1.25 percent. This is an indication of the misleading results that the FHWA speed monitoring requirements produce. Were additional monitoring data representative of the rest of the highway systems in New York to be included, the difference would be even greater.

Further, we question the appropriateness of the random sampling plan required by FHWA's Procedural Manual, which is based upon sample selection on a mileage basis rather than considering traffic volume. As a result, the sample is biased toward selection of monitoring sites on lower traffic volume sections of highway where speeds tend to be higher.

The sampling also does not consider the geographic distribution of the sampling sites. While FHWA sampling requirements result in each segment of highway having an equal chance of being selected, the final selected sample includes many more low volume, high speed miles. Therefore, again, the sample is biased toward low volume, high speed segments. As an example New York State rigorously applied the methodology prescribed by the Manual to locate the ten monitoring sites for urban interstate highways. This selection process resulted in no speed sampling sites in Westchester, Monroe and Erie Counties. About 9.5 million of the 23.0 million vehicle miles of travel on New York's urban interstate highways posted at 55 mph -- over forty percent -- occur in those three counties, yet none of the speeds occurring in those populated counties, whose Interstate routes are heavily traveled and are congested, typical of urban travel in New York, can be reported or considered in computing the estimate of drivers exceeding the speed limit in New York State.

If speed monitoring is to be continued, FHWA's criteria for selection of sampling sites must be adjusted so representative samples of speed conditions in the state can be obtained. While we believe FHWA has the administrative authority to adjust their criteria and computational basis to accomplish this objective, you may wish to direct FHWA to do so, in order that the present law can be administered more fairly, having sampling sites representative of prevailing traffic conditions included in the reporting.

The Need for a More Comprehensive Highway Safety Program

The original intent of imposing a national 55 mph speed limit in 1974 was to conserve energy. Imposed as a temporary fuel conservation measure, the highway safety benefits of the reduced speed limit quickly became apparent. In 1974, highway fatalities nationwide decreased 9100 -- about 17 percent on all highways and 34 percent on Interstates. While other factors contributed to this decrease, 3000 to 5000 of this reduction was directly attributed to the reduced speed limit. It is estimated that the reduced speed limit is saving 167,000 barrels of fuel per day. However, with the present day oil surpluses available, the major justification for the national speed limit has shifted to improving highway safety. However, it is clear that a reduced speed limit serves two functions -- it saves lives and it saves fuel.

To achieve the objective of highway safety, which is affected by a multitude of factors, only one of which is speed, national and state programs should focus on all of the factors affecting highway safety, rather than simply trying to control speed. Programs establishing and enforcing speed limits are just one tool to be used in the effort to reduce highway fatalities, injuries and property damage. Controlling highway speed, whether for safety or energy conservation reasons is a means to an end and possibly not the most effective means to that end, -- not an end in itself.

With the expected growth in travel, the Federal Highway Administration in its 1987 report to Congress on the "Status of the Nation's Highways: Conditions and Performance" estimates that if steps are not taken to continue to reduce the present accident rates on various categories of highways, traffic fatalities will increase from the present national total of about 44 thousand annually to 83 thousand by the year 2000. It is also forecasting 13 million damaged vehicles and 5.6 million non-fatal injuries per year. The cost to the economy of such a national epidemic of fatalities, injuries and property damage is estimated at $65 billion annually. In the next twelve years, we will have to cut accident rates in half just to keep the number of fatalities from rising.

Only about one-half of the national traffic fatalities inflicted each year occur on highways which are posted at 55 or 65 mph and not all of those are related to speed. An even smaller proportion of total accidents occurs on such high speed facilities. Actions to enforce the maximum speed limit would potentially affect half of the nation's highway fatalities. To avoid the dire consequences predicted by the FHWA, a comprehensive and broadened program to improve safety factors on all highways must be initiated.

The New York State Accident Report Form lists 40 factors which might contribute to a reported accident. In only 28 percent of the reported fatalities on all highways, regardless of speed limit, was "unsafe speed" identified as a contributing factor. It is cited as a contributing factor in only about eight percent of accidents not involving fatalities. While enforcement of speed limits might contribute to prevention of a portion of those accidents, clearly, much more than increased speed enforcement is needed if we are to avert the disaster forecasted by FHWA.

New York's Comprehensive Highway Safety Program

Recognizing the need for a wide range of measures to address the various factors which contribute to safety on all of our highways, New York has instituted a number of other programs, which when combined with speed enforcement, has resulted in reducing the highway fatality rate in New York to 32nd in the nation -- 11 percent less than the national average.

In the early summer of 1984, New York became the first state to enact a comprehensive Mandatory Occupant Restraint Law. Since December 1, 1984 all front seat occupants and children under the age of ten, regardless of seating position, have been required to use safety restraints. After a one-month warning period, full enforcement of the law began on January 1, 1985. A maximum fine of $50 can be imposed for a violation of the law.

The statewide usage rate jumped from a pre-law rate of 12 percent to 64 percent today. New York is serious about the restraint law and has committed significant resources to promote and encourage seat belt use. Nearly 250,000 tickets for seat belt violations were issued in the three years the law has been in effect. Each year the number grows as the enforcement community sees the benefits of the law. We estimate that between 500 and 600 lives have been saved as a result of this pioneering legislation. Recently, the National Safety Council presented an award to Governor Cuomo for the outstanding progress New York has made in seat belt usage.

New York is also proud of our progress dealing with the problem of drinking and driving. Since 1981 when the Special Traffic Options Program for Driving While Intoxicated (STOP-DWI) was implemented, the number of alcohol related fatalities has dropped 29% (1107 in 1981 down to 787 in 1986). The STOP-DWI program is unique. The law mandates that the fines, which are returned to the localities be used for alcohol related programs. The roughly $20 million available each year is spent on additional enforcement as a deterrent and for treatment for those in need of such programs.

We have also raised the purchase age of alcoholic beverages from 18 to 21 after almost a half century at the 18 year age. The results of this legislation are even more dramatic. In 1982, there were 256 persons under the age of 21 killed in accidents. By 1986, the last full year of available data after the purchase age change, the number was slashed to 143 or a 44% reduction.

Safety is among the highest goals of our entire capital infrastructure program and a $75 million state funded Accident Countermeasures Program is an important element of the Governor's Rebuild New York initiative.

Our effective truck safety inspection program is being further strengthened in 1988 to ensure that defective trucks are kept off the road until satisfactory repairs are completed.

New York's comprehensive approach to highway safety has achieved considerable success, as reflected in our declining number of highway fatalities. When our speed limit was reduced in 1974, highway fatalities immediately dropped from about 3000 annually to 2600, and through our comprehensive efforts, it has since been reduced to about 2000 annually. We have reduced our highway fatality rate by 33 percent over the last five years. In any consideration of possible change to the national speed limit compliance program, certainly the state's efforts in the interest of the program's objective of highway safety should be considered before any highway sanctions are considered since sanctions only reduce the state's ability toward achievement of that objective.

We appreciate the opportunity to present this statement and trust our views will be considered in addressing any needed revisions to the present law.

QUESTIONS FOR THE NORTH DAKOTA HIGHWAY DEPARTMENT FROM SEN. BURDICK

1. Those who favor higher speed limits say Interstates are built to the highest design standards and for faster speeds. Are circumstances different with an aging Interstate and a more varied vehicle mix that includes, for example, smaller cars and larger trucks? Are driving conditions as ideal and safe as they once were on the Interstate?

2. What is your view of a proposal from the California Highway Patrol to allow a certain number of points to be subtracted from a State's point total based on the State's efforts to make improvements in highway safety with, for example, a mandatory seat belt law or a strong DWI enforcement program?

3. What is the 85th percentile in North Dakota, that is the speed at which or below 85 percent of the vehicles are travelling? And has there been much change in that over the past ten years?

4. Can you estimate how much it costs a State highway department to lower speeds by one mph on roads posted at 55 mph? Are such efforts a cost-effective way to reduce accidents? If spent elsewhere, could this money better contribute to safety improvements?

Senator Symms

Questions for Mr. Elden Spier
North Dakota Highway Department

1. Is there sufficient political and technical expertise in state legislatures and transportation departments to establish and enforce adequate highway safety laws without federal oversight and statutory mandates?

2. If the federal government didn't sanction states for non-compliance with speed limit laws, would states still monitor and enforce highway safety laws?

3. Does the threat of federal funding sanctions improve highway safety?

4. Would you say that states are being unfairly pressured into adopting higher speed limits just to escape the threat of funding sanctions?

5. If speed data from highways posted above 55 mph were included in data used to determine whether states meet the 50 percent compliance requirement, would pressure to adopt higher speed limits be eliminated?

NORTH DAKOTA STATE HIGHWAY DEPARTMENT

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NORTH DAKOTA
CENTENNIAL

George A. Sinner, Governor
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March 22, 1988

The Honorable Daniel Patrick Moynihan
Chairman of the Subcommittee on Water
Resources, Transportation & Infrastructure
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510-6175

Dear Senator Moynihan:

I am pleased to answer your follow-up questions to my testimony on speed limit issues before the Subcommittee on Water Resources, Transportation and Infrastructure. It is good to know that you are continuing to research the existing National Maximum Speed Limit program.

First, in response to the questions from Senator Burdick:

1. Interstates are indeed built to the highest design standards and for faster speeds. Although the Interstate is aging, it is improving with age. Over the years since the Interstate was built, several enhancements have been made to widen structures, to change the guardrail, to decrease the ditch slopes and to increase the length of ramps. Several other effective changes have also been made. Constant and vigilant maintenance has been essential in keeping the Interstates up to the standards at which they were originally designed.

It is true that there is a more varied vehicle mix with smaller cars and larger trucks than when the Interstate was constructed, but it certainly hasn't affected our death rate. The number of fatalities on North Dakota's roads has decreased over the past 20 years, even though vehicle size has changed dramatically over this time period. (Refer to North Dakota Traffic Fatalities 1941-1987 graph, attached.)

Accident statistics don't substantiate that there is a problem with the mix of vehicle sizes on the Interstate. Records indicate that the total number of accidents has been decreasing steadily over the past twenty years. The percentage of trucks involved in accidents is up, reflecting the increased number of trucks now on the highways.

NORTH DAKOTA
TYPES OF VEHICLES INVOLVED IN ACCIDENTS*

	1966	1976	1986
Passenger Cars	29,903	21,993	14,078
All Types of Trucks	4,293	6,272	5,740
All Other Vehicles	2,067	1,186	3,196
Total Accidents	36,263	29,451	23,014

* North Dakota only had a total of 13,546 accidents in 1986, but usually more than one vehicle is involved in each accident.

An extremely important factor in high speed, divided highway driving is consistency of speeds. The Highway Patrol tells us that large trucks have been driving 63 or 64 mph consistently, while passenger cars have been more closely observing 55 mph. Now that the speed limit is 65 mph, trucks haven't changed their speeds much, but other motorists have caught up, resulting in a more uniform speed on our Interstate highways.

Driving conditions are as ideal and as safe on Interstates as they have ever been before, and the Interstates are still in top driving condition.

2. North Dakota has no interest in the California proposal to deduct points based on a state's highway safety efforts. State safety programs must be modeled on the safety deficiencies encountered in each state. North Dakota and every other state completes an annual Highway Safety Plan in order to receive its 402 traffic safety funds. An integral part of the plan preparation is to analyze accident data from the previous year and to formulate specific solutions to the state's traffic safety problems. This is as it should be. Each state program should be modeled on its own problems, not on a set of standards dictated from Washington, D.C.

North Dakota has the third lowest accident rate in the nation at a time when we are being sanctioned for speed violations. We need a highway safety program that is flexible enough to address all of a state's safety concerns, including setting its own speed limits.

3. In the past ten years, the 85th percentile in North Dakota has consistently been between 60 and 65 miles per hour.

NORTH DAKOTA SPEED MONITORING SUMMARY
1978-1987

Fiscal Year Ending	Average Speed	Median Speed	85th %
1978	56.8	56.8	63.0
1979	55.3	55.6	60.9
1980	55.6	55.9	60.3
1981	55.8	56.0	60.5
1982	57.9	58.0	64.1
1983	57.4	57.6	63.7
1984	57.4	57.6	63.1
1985	57.4	57.6	63.6
1986	57.4	56.6	62.6
1987	58.1	58.9	65.1

An important consideration in the above data is that all readings taken in 1981 or before were done manually by a person with a radar device. Often the sight of a car alongside the road causes drivers to slow, thereby keeping the 85th percentile and all readings lower than they actually were. Since 1982, all monitoring has been done by automatic device, so drivers are unaware that they are being monitored. The 85th percentile has remained quite constant over the past ten years, except for 1987 when the increase in the speed limit to 65 mph is reflected by an increased speed in all categories.

4. It is extremely difficult, if not impossible, to estimate accurately how much it costs a state highway department to lower speeds by one mph on roads posted at 55 mph. Many factors influence the speed at which people drive -- weather conditions, enforcement vehicles in sight, public information campaigns appealing to psychological motivations, etc. The best way of answering this question is to study the State Highway Patrol's overtime speed enforcement effort for the past several years.

NORTH DAKOTA HIGHWAY PATROL
OVERTIME 55 MPH SPEED ENFORCEMENT

Year	Overtime Hours	Cost	85th % Speed
1982	4,215	$ 69,331	64.1
1983	5,002	80,032	63.7
1984	9,178	146,848	63.1
1985	2,959	56,903	63.6
1986	2,933	63,294	62.6
1987	3,060	59,870	65.1

Over the past six years of the overtime effort, the 85th percentile speed has fluctuated, but not always in direct proportion to the Highway Patrol overtime speed enforcement effort. The threat of 55 noncompliance in 1983 spurred the state to double its overtime the following year. The additional $67,000 lowered speeds by .6 mph. Using these figures as a basis, we estimate that it would cost $111,000 to lower speeds by one mph. Looking at the following year 1985, however, $57,000 was spent on overtime speed enforcement and speeds increased by .5 mph, putting North Dakota back almost in the same situation it was in 1983.

Clearly, such efforts are not a cost-effective way to reduce accidents. Money is being wasted on a hit-or-miss effort in which there is no clear correlation between money spent and results. These funds could be better used in safety improvements, in a well-rounded enforcement effort and in bolstering the entire traffic safety program.

The present 402 apportioning requirement mandating each state to spend 20 percent of its highway safety funds on speed enforcement must be repealed. In North Dakota, we are told to spend $140,000 on speed enforcement each year, whether we need it or not. We need the latitude to determine the highway safety programs that will best meet our particular problems.

Next, in response to the questions from Senator Symms:

1. Yes, state legislatures and transportation departments are political and technical experts on establishing and enforcing adequate highway safety laws without federal oversight and statutory mandates. Let's remember that prior to 1973, states always set their own speed limits. In fact, there are several areas within each state where speed limits are reduced to 45 mph or lower to reflect the road conditions, such as in mountainous areas and in other spots where sight distance or the design specifications warrant it. State transportation departments know their roads better than the federal overseers do, and we are much better qualified to set our own speed limits. We already are responsibly enforcing these speed limits to the best of our ability and will continue to do so.

North Dakota and many other states didn't need federal mandates to enact stricter Driving Under the Influence laws and to crack down on intoxicated drivers. Our state legislature responded to the public outcry created by Mothers Against Drunk Driving and other groups. The results have been astounding! We have witnessed the lowest number of fatalities on North Dakota highways since the early 1940s when gas was rationed during the war. No one wants to see an increase in fatalities on the highways of America.

If fatalities increase, public sentiment will result in appropriate legislation and programs. We will continue to address traffic safety issues in a realistic and thorough manner using the current 402 traffic safety funding program.

2. Yes, states would continue to monitor and enforce highway safety laws if the federal government withdrew the sanction process. We probably would not continue the complicated set of monitoring regulations now in place, but speed surveys have become an integral part of highway design, so less formal speed surveys would still be extremely important.

North Dakota has always had strict enforcement of its speed limits, and has always set speed limits. Our neighbor, Montana, however, used to let each driver decide the "reasonable and prudent" speed to drive. We believe the prerogative to set its own speed limits should be left open to each state. If some state legislatures want to maintain a 55 mph speed limit, they also should be free to do so without threat of federal sanction.

The Highway Patrol is an integral part of highway safety in each state. Laws always need to be enforced, and the role of the Highway Patrol will not diminish if the federal government steps out of the speed limit controversy. The Highway Patrol has been an important part of North Dakota's safe highways for over 50 years.

3. No, the threat of federal funding sanctions doesn't improve highway safety. Although we are now being sanctioned, and are doing everything possible to avoid it through beefed up enforcement and public information efforts, our speed compliance has not improved and our safety record has not improved. All that sanctions do is take money away from projects which are in place and are doing a good job. Sanctions are a narrow-minded way of looking at overall traffic safety problems. North Dakota currently has the third lowest highway death rate in the nation at a time when we are being sanctioned for speeds.

4. Yes, states are definitely being unfairly pressured into adopting higher speed limits just to escape the threat of sanctions. A state should be free to set its speed limits wherever public sentiment dictates. State legislatures can best assess the proper speed limit for the state. If a state determines that it must keep its limit at 55 mph, its judgment should prevail. The ridiculous situation created by the sanctioning of states which have refused to increase their speed limits has brought the entire sanction process into clearer focus. Sanctions just don't make sense.

5. No, even if speed data reflected that states with 65 mph speed limits are meeting the 50 percent compliance requirement, the pressure to adopt higher speed limits would not be eliminated. The states have had their fill of nitpicking monitoring requirements and of sanctions. We have found that speed doesn't directly correlate to safety. We won't be satisfied until each state is once again able to control its own highway speeds.

I hope this information has adequately answered your questions. We in North Dakota look forward to hearing about the progress of this issue.

Sincerely,

Elden G. Spier, Director
Drivers License and Traffic Safety Division

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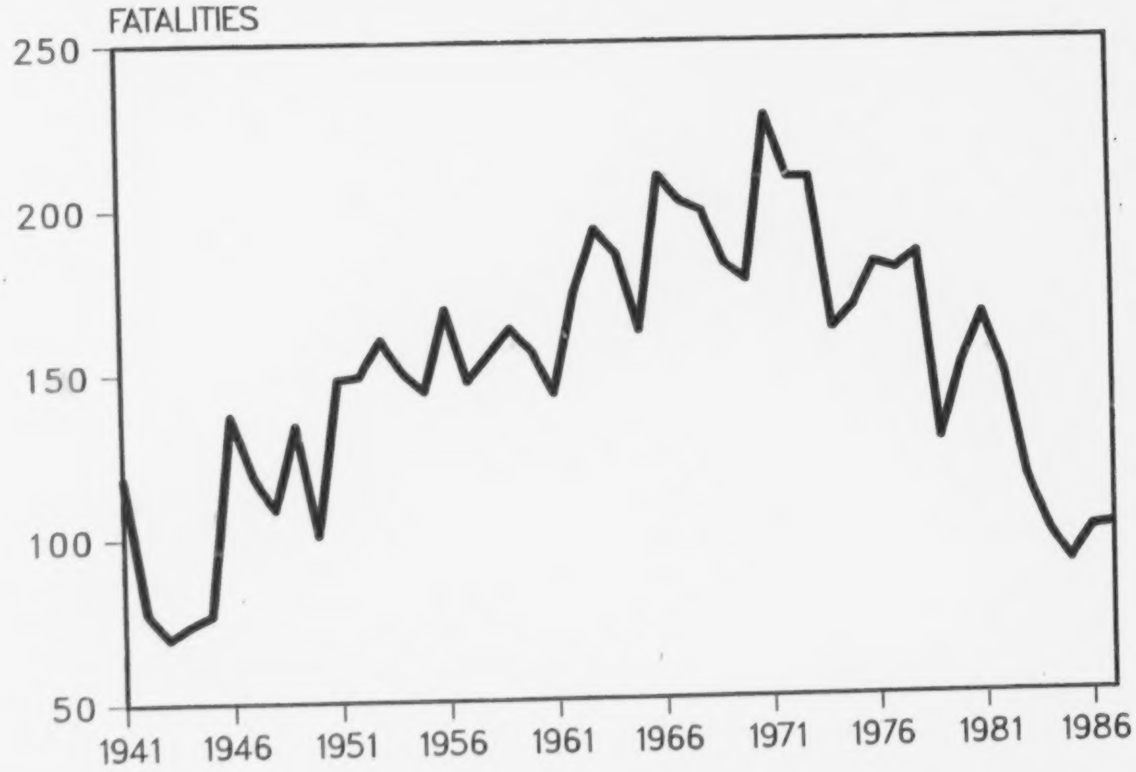
Attachment

NORTH DAKOTA TRAFFIC FATALITIES 1941–1987



Maurice J. Hannigan
Deputy Commissioner
California Highway Patrol
Testimony to the United States Senate
Committee on Environment and Public Works
Subcommittee on Water Resources, Transportation, and Infrastructure

National Maximum Speed Limits

Speed Monitoring, Federal Compliance Requirements, Sanctions, and Safety

February 25, 1988

TESTIMONY TO THE UNITED STATES SENATE

SUBCOMMITTEE ON WATER RESOURCES,
TRANSPORTATION, AND INFRASTRUCTURE
FEBRUARY 25, 1988

GOOD AFTERNOON, MR. CHAIRMAN AND COMMITTEE MEMBERS. I AM MAURICE J. HANNIGAN, DEPUTY COMMISSIONER OF THE CALIFORNIA HIGHWAY PATROL, AND I AM HERE REPRESENTING THE STATE OF CALIFORNIA. MY TESTIMONY WILL FOCUS ON THE CURRENT SYSTEM OF MONITORING COMPLIANCE WITH THE 55 MPH NATIONAL MAXIMUM SPEED LIMIT (NMSL), THE IMMEDIATE NEED FOR A CHANGE TO THIS SYSTEM, AND WHAT WE FEEL ARE SOME VIABLE ALTERNATIVES FROM CALIFORNIA'S PERSPECTIVE. WE ARE ESPECIALLY APPRECIATIVE OF THE OPPORTUNITY TO SPEAK BEFORE YOUR DISTINGUISHED COMMITTEE.

NEED FOR CHANGE

AS MANY OF THE OTHER SPEAKERS HAVE CONFIRMED, AND OTHERS WILL REINFORCE, THERE ARE A NUMBER OF DEFICIENCIES IN THE CURRENT FEDERAL COMPLIANCE MONITORING SYSTEM. EVEN BEFORE CALIFORNIA WAS FACED WITH SANCTIONS, OUR STATE WAS ACTIVE IN DEVELOPING AND SUPPORTING IMPROVEMENTS TO THE COMPLIANCE PROCESS. IN ADDITION TO WORKING WITH THE U.S. DEPARTMENT OF TRANSPORTATION AND OTHER AGENCIES, WE HAVE PREVIOUSLY OFFERED TESTIMONY TO CONGRESS ON THE ISSUE, AND WE PARTICIPATED IN THE NATIONAL ACADEMY OF SCIENCES (NAS) STUDY PANEL THAT MR. DEEN SPOKE ABOUT.

THE STATE OF CALIFORNIA IS VITALLY INTERESTED IN THIS TOPIC BECAUSE OF THE SIGNIFICANT IMPACTS ON OUR STATE, AND WE BELIEVE THAT IF THERE MUST BE FEDERAL OVERSIGHT, THEN THE PROCESS SHOULD BE EQUITABLE AND BASED ON REALISTIC SAFETY AND ENFORCEMENT PRINCIPLES. WE BELIEVE THAT THE OBJECTIVE OF FEDERAL OVERSIGHT SHOULD BE HIGHWAY SAFETY AND THE SAVING OF LIVES--NOT THE FUTILE AND COSTLY EFFORT OF CONTINUALLY GATHERING AND CRUNCHING NUMBERS ON SPEED COMPLIANCE, WITH FEW APPRECIABLE BENEFITS OTHER THAN PURSUING COMPLIANCE FOR IT'S OWN SAKE.

THERE ARE A NUMBER OF REASONS TO CHANGE THE CURRENT COMPLIANCE MONITORING PROCESS, BUT MOST OF THEM FALL INTO ONE OF TWO GROUPS. FIRST AND MOST IMPORTANT IS THE INEFFECTIVENESS OF THIS COMPLIANCE REQUIREMENT IN PROMOTING OVERALL HIGHWAY SAFETY. THE SECOND IS THE ISSUE OF EQUITY, AND WHETHER THE SPEED MONITORING AND COMPLIANCE PROCESSES CREATE AN ADEQUATE BASIS FOR IMPOSING FEDERAL SANCTIONS.

IN TERMS OF INEFFECTIVENESS, UNDER THE CURRENT PROCESS A VIOLATION OF 57 MPH ON A FULL INTERSTATE FREEWAY COUNTS THE SAME AS A VIOLATION OF 85 MPH ON A TWO-LANE COUNTY ROAD. MOST TRAFFIC SAFETY RESEARCHERS AND LAW ENFORCEMENT PRACTITIONERS WOULD AGREE THAT THIS IS NOT APPROPRIATE BECAUSE HIGH SPEED VIOLATIONS ON SECONDARY ROADS ARE FAR MORE HAZARDOUS THAN MODEST NONCOMPLIANCE ON RURAL FREEWAYS. YET, UNTIL THE REQUIREMENT IS CHANGED IT ENCOURAGES, AND SOMETIMES FORCES, THE

INAPPROPRIATE DEPLOYMENT OF OUR LIMITED ENFORCEMENT RESOURCES EVEN THOUGH IT IS INCONSISTENT WITH SAFETY AND ENFORCEMENT PRINCIPLES.

IN ADDITION, LAW ENFORCEMENT AGENCIES DEPEND ON A SUBSTANTIAL MEASURE OF VOLUNTARY COMPLIANCE, AND FOR PRACTICAL REASONS, RARELY CITE MOTORISTS FOR VIOLATIONS OF 3, 4, or 5 MPH. IN REALITY, VIOLATIONS OF THE SPEED LIMIT ARE SO PREVALENT IN SOME LOCATIONS THAT COURTS FOCUS ONLY ON THE MORE HAZARDOUS VIOLATIONS AND WILL OFTEN DISMISS CITATIONS WRITTEN FOR LESS THAN 10 MPH OVER THE 55 LIMIT.

HOWEVER, THE CURRENT FEDERAL REQUIREMENT TREATS MINOR VIOLATIONS JUST THE SAME AS THE RECKLESS 75 OR 80 MPH MOTORIST. AS A RESULT, THESE FACTORS HAVE COMBINED TO WEAKEN SAFETY AND ENFORCEMENT BY ENCOURAGING THE OVER-CONCENTRATION OF OUR LIMITED RESOURCES ON THE FREEWAY SYSTEM, DESPITE ITS IMPRESSIVE SAFETY RECORD.

ANOTHER WAY THE CURRENT PROCESS IMPACTS SAFETY IS THROUGH THE IMPOSITION OF SANCTIONS. BECAUSE A SANCTION REDUCES THE FUNDS AVAILABLE TO A STATE, IT REDUCES THE NUMBER OF HIGHWAY IMPROVEMENT AND SAFETY PROJECTS THAT A STATE CAN UNDERTAKE. CONSEQUENTLY, LIVES COULD BE LOST BECAUSE SAFETY IMPROVEMENTS ARE NOT BEING MADE WHICH, OF COURSE, IS THE OPPOSITE OF WHAT THE LAW WAS TRYING TO ACHIEVE.

TURNING TO THE SPEED MONITORING PROGRAM ITSELF, THERE ARE A NUMBER OF INCONSISTENCIES FROM STATE TO STATE AS OUTLINED IN THE NATIONAL ACADEMY OF SCIENCES STUDY AND OTHER SOURCES. THERE ARE ALSO LARGER ISSUES OF EQUITY WHICH CALL INTO QUESTION WHETHER THERE IS A CONSISTENT BASIS FOR SANCTIONING ONE STATE VERSUS ANOTHER.

FOR EXAMPLE, THERE IS THE APPARENTLY TECHNICAL ISSUE OF HOW SPEEDS ARE CLASSIFIED BY THE AUTOMATIC MONITORING EQUIPMENT. SOME RECORDERS CLASSIFY 56 MPH AS "EXCEEDING 55 MPH," WHILE OTHERS PUT THE BREAKPOINT AT 55.01 MPH--ALMOST A FULL MPH LESS. WHILE A ONE MPH DIFFERENCE MAY NOT SOUND SUBSTANTIAL, IT CAN CHANGE A STATE'S REPORTED COMPLIANCE BY FIVE TO SIX PERCENT WHICH WOULD HAVE BEEN ENOUGH TO MAKE MORE THAN HALF THE NATION SUBJECT TO SANCTION IN 1986.

THIS INCONSISTENCY IN HOW SPEEDS ARE CLASSIFIED EXISTS THROUGHOUT THE NATION; IT "HELPS" SOME STATES AND "HURTS" OTHERS. IN AN ENVIRONMENT OF SUBSTANTIAL FEDERAL SANCTIONS, THEORETICALLY-PRECISE AND COSTLY ACCURACY BECOMES ESSENTIAL FOR A STATE TO AVOID BEING UNNECESSARILY SANCTIONED.

DIFFERENCES AMONG STATES IN THEIR ROAD SYSTEMS CAN ALSO INFLUENCE REPORTED COMPLIANCE LEVELS. FOR EXAMPLE, A STATE LIKE MARYLAND REPORTS HIGH SPEEDS PARTLY BECAUSE MANY OF THE ROADS THEY REPORT ON ARE INTERSTATES OR OTHER HIGH DESIGN FACILITIES WHERE MOTORISTS TYPICALLY DRIVE FASTER. IN MANY

OTHER STATES THOUGH, THE ANNUAL SPEED REPORT ALSO INCLUDES DATA FROM SLOWER, TWO LANE ROADS WHICH LOWERS A STATE'S REPORTED SPEED. MARYLAND, LIKE SOME OTHER EASTERN STATES, IS "HURT" BECAUSE MANY OF THEIR SLOWER, SECONDARY ROADS ARE POSTED AT 50 MPH OR LOWER AND THUS ARE NOT INCLUDED IN 55 MPH REPORTING. CERTAINLY SOME STATES COULD ARGUE THAT THIS IS AN INEQUITABLE SITUATION.

BY CONGRESSIONAL INTENT, 65 MPH ROADS WERE NOT INCLUDED IN THE FEDERAL SPEED MONITORING PROGRAM. WE APPLAUD THIS REDUCED FEDERAL INVOLVEMENT BUT SOME STATES ALSO FEEL THIS IS INEQUITABLE.

OUR ARGUMENT IS THAT THE WHOLE MONITORING-COMPLIANCE-SANCTION PROCESS HAS INHERENT AND PERVASIVE INEQUITIES AND INCONSISTENCIES. WE BELIEVE THAT THERE IS A PRESSING NEED TO RE-EXAMINE THE ENTIRE PROCESS TO ELIMINATE AS MANY OF THE INCONSISTENCIES AND INEQUITIES AS POSSIBLE. UNFORTUNATELY, THERE ARE MANY COMPLEXITIES AND TECHNICAL ISSUES TO RESOLVE IF THIS EFFORT IS UNDERTAKEN.

COMPLIANCE ALTERNATIVES

CALIFORNIA HAS EXAMINED A WIDE RANGE OF ALTERNATIVES TO THE EXISTING COMPLIANCE METHOD. THESE INCLUDE IDEAS DEVELOPED BY CONGRESSIONAL STAFF, BY THE DEPARTMENT OF TRANSPORTATION, BY OURSELVES, AND MANY OTHERS. THESE IDEAS WERE COMPILED IN A WORKING PAPER WHICH WE RECENTLY CIRCULATED TO ALL STATES FOR ADDITIONAL COMMENTS. I WOULD LIKE TO SHARE SOME OF THEM WITH YOU. THEY RANGE FROM A STRAIGHTFORWARD INCENTIVE PROGRAM, TO MORE COMPLEX FORMULAS DESIGNED TO REDUCE SOME OF THE INHERENT INEQUITIES INVOLVED IN MEASURING COMPLIANCE.

FIRST, LET ME STATE FOR THE RECORD THAT WHILE CALIFORNIA AND MANY OTHER STATES STRONGLY SUPPORT THE 55 AS A GENERAL MAXIMUM SPEED LIMIT, CALIFORNIA ALSO BELIEVES IN A STATE'S RIGHT TO SET AND REGULATE ITS OWN SPEED LIMITS AND ESTABLISH ITS OWN TRAFFIC SAFETY PRIORITIES. THEREFORE, WE WOULD ULTIMATELY FAVOR REPEAL OF THE SANCTION MECHANISM AS THE DRIVING FORCE BEHIND THE NATIONAL MAXIMUM SPEED LIMITS.

SINCE THE OBJECTIVE OF BOTH STATE AND FEDERAL GOVERNMENT IS THE SAVING OF LIVES, WE BELIEVE THAT INCENTIVES, INSTEAD OF SANCTIONS, WOULD MORE EFFECTIVELY PROMOTE IMPROVEMENTS IN HIGHWAY SAFETY. AN INCENTIVE PROCESS COULD BE AS STRAIGHTFORWARD AS USING THE EXISTING HIGHWAY SAFETY FUNDS AS INCENTIVE GRANTS TO STATES WHOSE MILEAGE DEATH RATE IMPROVED THAT YEAR. OTHER CRITERIA COULD BE DEVELOPED OF COURSE, BUT THE IDEA IS TO MEASURE A STATE'S OVERALL SAFETY EMPHASIS WITHOUT UNNECESSARY EXPENDITURES ON AN ELABORATE, COSTLY MONITORING SYSTEM WHICH HAS LIMITED OTHER USES.

HOWEVER, ASSUMING CONGRESS FEELS THERE MUST BE A SANCTION PROCESS, THEN WE BELIEVE THAT CONTINUED FUNDING FOR ALL SAFETY PROJECTS IN A STATE SHOULD BE ASSURED REGARDS OF WHETHER A STATE MEETS THE COMPLIANCE DEMANDS. HIGHWAY SAFETY PROJECTS SHOULD BE EXEMPT FROM THE SANCTION OF HIGHWAY FUNDS.

ON THE ISSUE OF EQUITY AMONG STATES, PERHAPS THE EASIEST WAY TO RESOLVE THIS PROBLEM WOULD BE TO SIMPLY REQUIRE THAT EACH GOVERNOR ANNUALLY CERTIFY THAT THEY WERE ENFORCING THE SPEED LIMIT TO THE BEST OF THEIR ABILITY. NO MONITORING OR SPEED STATISTICS WOULD BE REQUIRED BY THE FEDERAL GOVERNMENT. THIS WOULD BE THE IDEAL FROM OUR PERSPECTIVE, NEVERTHELESS, WE RECOGNIZE THAT OTHERS IN THE TRAFFIC SAFETY COMMUNITY MAY FIND THIS UNACCEPTABLE. IF THIS IS THE CASE, OTHER AVENUES ARE AVAILABLE.

FOR EXAMPLE, MORE COMPLICATED FORMULAS ARE A POSSIBLE WAY TO ESTIMATE COMPLIANCE LEVELS IN A STATE. ONE OF THE RECOMMENDATIONS OF OUR 55 MPH STUDY AND THE NAS REPORT WAS TO SUPPORT A "POINT SYSTEM" CONCEPT THAT ATTACHES MORE SIGNIFICANCE TO HIGH-SPEED VIOLATIONS, AND VIOLATIONS ON LESS-SAFE ROADS. THIS WAS THE TYPE OF FORMULA ORIGINALLY CONTAINED IN H.R. 3129 AND MOST RECENTLY IN H.R. 2, WHICH WAS APPROVED BY THE HOUSE DURING THE LAST CONGRESSIONAL SESSION. IT PRESUPPOSES THAT IF ACCIDENTS ARE GOING TO OCCUR FROM SPEEDING, THEY WILL LIKELY BE MORE SEVERE ON NONFREEWAYS WHICH ARE GENERALLY RURAL IN NATURE AND NOT UP TO THE SAME ROAD DESIGN STANDARDS AS FREEWAYS. THE

FORMULA CAN ALSO BE SET SO IT ACCOMMODATES THE 5-10 MPH JUDICIAL TOLERANCE BY ASSIGNING MINIMAL POINT VALUES TO LOW SPEED VIOLATIONS. SUCH A POINT SYSTEM WOULD ALSO ADDRESS OUR NEED TO DEPLOY OFFICERS IN LOCATIONS WITH ESTABLISHED ACCIDENT PROBLEMS. UNFORTUNATELY, THE H.R. 2 FORMULA RESULTS IN A VERY BROAD DISPERSION OF SCORES, AND STATES WHICH HAVE A SIGNIFICANT AMOUNT OF THEIR TRAVEL OFF THE FREEWAY SYSTEM WOULD BE AT A DISTINCT DISADVANTAGE.

WE BELIEVE THAT A WORKABLE ALTERNATIVE TO THE H.R. 2 FORMULA WOULD BE TO REDUCE THE WEIGHTING FACTORS SOMEWHAT FOR NONFREEWAYS. THIS WOULD DECREASE THE DRAMATIC POINT SPREAD, PROVIDE A BIT OF FLEXIBILITY FOR SOME STATES, AND STILL MAINTAIN THE SAFETY ORIENTATION OF THE H.R. 2 FORMULA BY ALLOTTING MORE PENALTY POINTS TO STATES WITH HIGH SPEEDS ON LESS-SAFE ROADS.

ANOTHER ALTERNATIVE WAS DEVELOPED BY STAFF AT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (NHTSA). LIKE THE H.R. 2 FORMULA, THE NHTSA STAFF FORMULA WOULD ATTACH CONSIDERABLE SIGNIFICANCE TO SPEEDING OVER 65 MPH, BUT WOULD NOT DIFFERENTIATE BETWEEN FREEWAYS AND NONFREEWAYS. IT RECOGNIZES THAT MOST DRIVERS BELIEVE THEY ARE COMPLYING WITH THE LAW WHEN THEY TRAVEL AT SPEEDS UP TO 60 OR 65 MPH. PERHAPS THE BIGGEST ADVANTAGE OF THIS FORMULA IS THAT IT EQUALIZES SCORES AMONG THE STATES AND WOULD ESTABLISH A SANCTION

THRESHOLD HIGH ENOUGH TO AVOID INITIAL STATE SANCTIONS. IF THE COMPLIANCE PROCESS MUST CONTINUE, WE CONSIDER THIS A POSSIBLE ALTERNATIVE.

TO FACILITATE THE IMPLEMENTATION OF A NEW FORMULA, IT MAY BE BENEFICIAL TO ALLOW STATES THE OPTION OF CERTIFYING EITHER UNDER THE EXISTING REQUIREMENT, OR A NEWLY-ADOPTED FORMULA. THIS CONCEPT OF DUAL FORMULAS COULD ALSO BE USED TO ACCOMMODATE STATE TO STATE DIFFERENCES IN MEETING FEDERAL COMPLIANCE REQUIREMENTS.

AND FINALLY, CALIFORNIA SUPPORTS THE CONCEPT OF A "SAFETY INCENTIVE PLAN" WHICH COULD BE USED IN COMBINATION WITH ANY OF THE SAFETY-BASED FORMULAS. THIS INCENTIVE PLAN WOULD ALLOW A CERTAIN NUMBER OF POINTS TO BE SUBTRACTED FROM A STATE'S POINT TOTAL, BASED ON A STATE'S EFFORTS TO IMPROVE HIGHWAY SAFETY. FOR EXAMPLE, IF A MANDATORY SEAT BELT LAW WAS "WORTH" 50 POINTS, THEN, IF A STATE HAD A BELT LAW, 50 POINTS WOULD BE SUBTRACTED FROM THE STATE'S COMPLIANCE SCORE AND THIS NET SCORE WOULD BE THE BASIS FOR ANY SANCTIONS.

THIS CONCEPT WORKS WITH OTHER FACTORS SUCH AS :

A. IF THE STATE HAS A LOW MILEAGE DEATH RATE,

B. IF THE STATE HAS AN AGGRESSIVE DRIVING UNDER THE INFLUENCE (DUI) ENFORCEMENT AND/OR PUBLIC EDUCATION PROGRAM,

C. IF THE STATE HAS A NEW SPEED ENFORCEMENT PROGRAM OR INFORMATION CAMPAIGN, OR

D. IF THE STATE HAS A HIGH PROPORTION OF OFFICERS ENFORCING THE 55 MPH SPEED LIMIT, ETC.

THESE, OR OTHER FACTORS COULD BE INCLUDED IN THIS SAFETY PLAN AS AN INCENTIVE FOR IMPROVING HIGHWAY SAFETY.

SAFETY IS THE BOTTOM LINE

THE PREVIOUS EXAMPLES HAVE ILLUSTRATED THE RANGE OF POSSIBLE ALTERNATIVES. ALL OF US HERE HAVE A DEEP COMMITMENT TO IMPROVING HIGHWAY SAFETY OR WE WOULD NOT HAVE SELECTED THE PROFESSIONS WE DID. THE NATIONAL GOVERNORS ASSOCIATION, AND OTHERS HAVE OPPOSED THE PHILOSOPHICAL BASIS FOR SANCTIONS. CALIFORNIA CONCURS AND IS INTERESTED IN AN INCENTIVE PLAN WHICH RECOGNIZES A STATE'S EFFORTS TO IMPROVE SAFETY, RATHER THAN COUNTER-PRODUCTIVE SANCTIONS. NEVERTHELESS, IF PUNITIVE SANCTIONS ARE DEEMED NECESSARY, THEY SHOULD NOT UNDERMINE SAFETY PROJECTS, AND THE SANCTION MECHANISM MUST BE BASED ON A FAIR AND PRECISE SYSTEM OF COMPLIANCE MEASUREMENT. ULTIMATELY THOUGH, WE BELIEVE THAT PROGRESS TOWARDS IMPROVING SAFETY SHOULD BE THE BOTTOM LINE.

WE DO NOT BELIEVE THAT OVERALL HIGHWAY SAFETY GOALS ARE SERVED BY A NARROW FOCUS ON 55 OR 65 SPEED LIMITS. BUT, CALIFORNIA IS CONTINUING TO VIGOROUSLY ENFORCE MAXIMUM SPEED LIMITS. THE CHP IS THE LARGEST TRAFFIC LAW ENFORCEMENT AGENCY IN THE NATION, AND LAST YEAR EXPENDED $2.5 MILLION DOLLARS FOR AUGMENTED SPEED ENFORCEMENT PROGRAMS. IN 1987, THE CHP ISSUED OVER THREE MILLION CITATIONS, INCLUDING APPROXIMATELY ONE MILLION FOR SPEED LIMIT VIOLATIONS. ON AVERAGE, THE CHP MAKES ONE ARREST OR ISSUES ONE CITATION EVERY 11 SECONDS, AND EACH DAY, CITES ALMOST 3,000 MOTORISTS FOR SPEED VIOLATIONS. THE CHP DEPLOYS APPROXIMATELY 85 PERCENT OF ITS OFFICERS ON ROADS WITH A 55 OR 65 MPH SPEED LIMIT, WHICH TOTALED 2.8 MILLION HOURS OF PATROL ON THESE ROADS DURING 1986.

THE NATIONAL ACADEMY OF SCIENCES, IN THEIR "55: A DECADE OF EXPERIENCE" REPORT NOTED THAT ON A NATIONAL BASIS, THERE WAS AN AVERAGE OF ONE ON-DUTY OFFICER FOR EVERY 190 MILES OF 55 HIGHWAY, WHEREAS IN CALIFORNIA, CHP DEPLOYMENT IS MUCH MORE CONCENTRATED, WITH ONE OFFICER EVERY 27 MILES. THE NAS ALSO CHARACTERIZED CALIFORNIA AS A HIGH-PENALTY STATE BECAUSE OF EXISTING LAWS TO DETER SPEEDING. DESPITE THIS, THE STATE OF CALIFORNIA IS FACING THE SANCTION OF AS MUCH AS $56.8 MILLION FOR TWO YEARS OF NONCOMPLIANCE.

WHILE THE CHP'S ACCOMPLISHMENTS IN SPEED ENFORCEMENT HAVE BEEN NOTEWORTHY, THE HIGHWAY PATROL HAS NOT, AND CANNOT, NEGLECT THEIR OTHER IMPORTANT PUBLIC SERVICE AND ENFORCEMENT DUTIES.

OTHER TRAFFIC SAFETY ISSUES HAVE REQUIRED PRIORITY ATTENTION SINCE THE 55 NMSL WAS ENACTED. THE CHP HAS DEVOTED REGULAR AND SUPPLEMENTAL RESOURCES TO IMPACT DUI (THE SINGLE MOST SIGNIFICANT CONTRIBUTOR TO DEATH ON OUR HIGHWAYS TODAY), COMMERCIAL VEHICLE ENFORCEMENT, HAZARDOUS MATERIAL TRANSPORTATION, SEAT BELT COMPLIANCE, AND OTHER VIOLATIONS.

WE KNOW THAT ENFORCEMENT SIMPLY CANNOT COERCE COMPLIANCE WITH A LAW THAT IS NOT SUPPORTED BY THE PUBLIC. ALONG WITH CALIFORNIA, MARYLAND AND NEW YORK HAVE EXEMPLARY ENFORCEMENT PROGRAMS, YET ALL THREE HAVE HAD TO DIVERT LIMITED ENFORCEMENT RESOURCES IN ATTEMPTING TO FORESTALL FEDERAL SANCTIONS BECAUSE OF 55 MPH NONCOMPLIANCE.

WITH LIMITED RESOURCES, TRAFFIC SAFETY CAN BEST BE SERVED BY A BALANCED APPROACH TO ENFORCEMENT, AND A NECESSARY RELIANCE ON VOLUNTARY PUBLIC COMPLIANCE. PUBLIC SAFETY IS THE BOTTOM LINE, AND CHP OFFICERS MUST BE AVAILABLE FOR THE FULL RANGE OF THEIR RESPONSIBILITIES IF MAXIMUM PUBLIC SAFETY BENEFITS ARE TO BE ACHIEVED. WHATEVER COMPLIANCE PROCESS IS DEVISED, IT SHOULD BE SAFETY-ORIENTED, REALISTIC, EQUITABLE, AND BE BASED ON SOUND ENFORCEMENT PRINCIPLES.

CONCLUSION

CALIFORNIA HAS AN EFFECTIVE TRAFFIC SAFETY PROGRAM AS EVIDENCED BY OUR OVERALL MILEAGE DEATH RATE OF 2.4. THE STATE OF CALIFORNIA IS FIRMLY COMMITTED TO THE IMPROVEMENT OF TRAFFIC SAFETY AND HAS ESTABLISHED A LEADERSHIP POSITION IN MANY AREAS OF ENFORCEMENT, ENGINEERING AND PUBLIC EDUCATION. BY RECOMMENDING A CHANGE TO THE CURRENT METHOD OF MEASURING COMPLIANCE, WE HOPE TO AVOID THE COUNTERPRODUCTIVE EFFECTS OF A FISCAL SANCTION AS WELL AS TO ULTIMATELY ENHANCE TRAFFIC SAFETY.

IF THERE IS NO FLEXIBILITY IN COMPLIANCE MEASUREMENT, EXTERNAL PRESSURES WILL UNDOUBTEDLY CONTINUE TO BUILD. ADDITIONAL STATES MAY FIND THEMSELVES OUT OF COMPLIANCE AND THESE CONDITIONS CAN REDUCE RESPECT NOT ONLY FOR THE MAXIMUM SPEED LIMIT, BUT FOR OTHER TRAFFIC LAWS AND FOR ENFORCEMENT PERSONNEL AS WELL. WE SEE A NEED FOR CHANGE.

AS I'VE INDICATED, THE STATE OF CALIFORNIA IS VERY INTERESTED IN FEDERAL COMPLIANCE REQUIREMENTS. WHILE YOU AND YOUR STAFF WORK ON THIS DIFFICULT ISSUE, I WOULD LIKE TO EMPHASIZE THAT THE CALIFORNIA HIGHWAY PATROL IN CONCERT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION ARE AVAILABLE TO PROVIDE WHATEVER STAFF ASSISTANCE THAT YOU MAY NEED. WE LOOK FORWARD TO PROGRESS IN RESOLVING THIS ISSUE DURING 1988.

THANK YOU FOR THE OPPORTUNITY TO SPEAK TO YOU TODAY, AND I WILL BE HAPPY TO RESPOND TO ANY QUESTIONS THAT YOU MAY HAVE.

43.10979.A7720.5395L

State of California—Business, Transportation and Housing Agency GEORGE DEUKMEJIAN, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
P. O. BOX 942898
SACRAMENTO, CA 94298-0001
(916) 445-5751

April 5, 1988

File No.: 1.A4508.A7808.5520L

The Honorable Daniel Patrick Moynihan
Chairman, Subcommittee on Water Resources,
Transportation and Infrastructure
U.S. Senate
EPW Committee
SD 458
Washington, D.C. 20510

Dear Senator Moynihan:

It was indeed a pleasure to testify before your committee. I believe that through this type of forum we will eventually reach an accord regarding the 55 MPH sanction/compliance issue.

Enclosed you will find my responses to questions posed by Senators Symms and Burdick. If I or any member of my staff can be of further assistance, please do not hesitate to call at (916) 445-5751.

Sincerely,

M. J. Hannigan

M. J. HANNIGAN
Deputy Commissioner

Enclosure

RESPONSES TO SENATOR BURDICK

1. **QUESTION: How often is enforcement conducted during a speed monitoring session?**

   RESPONSE: The California Department of Transportation (Caltrans) has been instructed to avoid monitoring if the California Highway Patrol (CHP) is conducting special enforcement in the area (note: Federal Regulations allow routine patrol functions and established speed enforcement programs during speed monitoring). Caltrans' annual speed monitoring schedules are routinely provided only to CHP Headquarters personnel, and are forwarded from there to the local Federal Highway Administration (FHWA) office. We are aware of only a few documented instances of conducting special enforcement during monitoring.

2. **QUESTION: What is your view of the GAO's findings that the compliance measurement program does not correspond closely to improving highway safety, and that current compliance standards are inadequate in determining which states should be sanctioned?**

   RESPONSE: California agrees completely. Under the current process, a violation of 58 MPH on a high design quality, full Interstate freeway counts the same as a violation of 85 MPH on a more hazardous two-lane county road. This encourages the inappropriate deployment of limited law enforcement resources on comparatively safe freeways and detracts from the apprehension of more serious violators like drunk drivers, and motorists making unsafe lane changes, etc.

   Furthermore, the entire speed monitoring program is fraught with inequities: states classify vehicle speeds differently and have widely varying road systems. This calls into question whether there is a consistent basis for sanctioning one state over another.

   Finally, sanctions themselves are counterproductive because they reduce the number of highway improvement and safety projects that a state can undertake. Lives could be lost because safety improvements are not being made, and that's the opposite of what the 55 MPH law and compliance standards are trying to achieve.

3. **QUESTION: What is the 85th percentile speed in California and has there been much change in the past ten years?**

RESPONSE: The statewide 85th percentile speed in California for the 1987 federal fiscal year (FFY) was 65.5 MPH. Ten years ago it was 61.7 MPH. In 1972, prior to the 55 national maximum speed limit, the Statewide 85th percentile speed was 67.8 MPH (with 65 and 70 MPH speed limits). Because speed data is gathered much differently today than ten years ago, the numbers may not be directly comparable prior to FFY 1983.

Law enforcement agencies depend on a substantial measure of voluntary public compliance. Because the original reason for the 55 limit--saving energy--is no longer a significant concern, motorists are traveling at speeds which they believe are safe. Most transportation agencies maintain that the majority of motorists (e.g., 85%) are prudent drivers; and that is why the 85th percentile is such a widely-used measure for setting speed limits.

California supports the 55 MPH speed limit as a general maximum limit. However, we--along with many other states--firmly believe that responsibility for setting highway safety priorities within a state should rest with that state.

RESPONSES TO SENATOR SYMMS

1. **QUESTION:** In your testimony, you said "if there must be federal oversight, then it should be equitable." Could one infer that you don't believe federal oversight is necessary to highway safety?

   RESPONSE: Correct, I would prefer a partnership between the states and the federal government. Then the process could be equitable and based on realistic safety and enforcement principles. We believe that the objective of a federal-state partnership should be highway safety and the saving of lives--not the futile and costly effort of continually gathering and crunching numbers on speed compliance, with few appreciable benefits other than pursuing compliance for its own sake.

2. **QUESTION:** You also said the current compliance requirements are ineffective in promoting overall highway safety. If there were no compliance requirements at all, would highway safety be decreased, increased, or stay the same?

   RESPONSE: That is difficult to predict because the level of highway safety can fluctuate due to several factors. However, if compliance requirements were removed and states were allowed to regulate their own speed limits, we believe that enforcement resources could be deployed to apprehend the most serious violators, like drunk drivers and motorists who make unsafe lane changes.

   We fully agree with recent testimony offered by the National Highway Traffic Safety and Federal Highway Administrations wherein they expressed confidence in the states' abilities to enforce their laws without detailed federal oversight.

3. **QUESTION:** Last December, federal statistics were released which purported to show a dramatic increase in fatalities on 65 MPH highways. Was the data on California's experience accurate?

   RESPONSE: Unfortunately, no. It included data from the wrong months and for the wrong highways and generated many mistaken generalizations.

The statistics reported by NHTSA staff for fatalities in California during 1986 and 1987 (64 and 94 respectively) are for the category of rural Interstate in its entirety. However, not all of California's rural Interstates are posted at 65 MPH, and in particular, more than 20% (330 miles) of our heavily traveled mileage remains posted at 55 MPH. In addition, the NHTSA release compared the months of May, June and July; but this comparison is not relevant for California because the posting of 65 speed limits did not start until May 29, 1987.

California's experience during the first three months of the 65 speed limit is much different than what the NHTSA data implied. For the months of June through August on these roadways, California statistics show two (2) more persons killed (from 61 in 1986 to 63 in 1987), or an increase of three percent (3%).

The dramatic difference between these statistics and those from NHTSA simply show that the available numbers are much too small and a three month time period much too short to make any conclusive statements about the safety of travel on 65 roadways.

4. **QUESTION: Everyone has heard the axiom that "Speed Kills." Is speed a primary cause of accidents on 65 highways?**

RESPONSE: It is an important consideration because most accidents involve speed as a related factor (it's tough to crash if a car isn't moving). But fewer than 15% of all fatal accidents on all California highways are caused by speeding (including city streets) and many of these do not involve speeds over the posted limit. On our 65 highways, only 5-10% of our fatal accidents involve speed as a primary collision factor. This includes a number of accidents where driving speeds were lower than the maximum, but too fast for conditions (e.g. 45 MPH in the fog).

That's precisely why we think it very important that NHTSA examine the causes of accidents in their reports of safety impacts of the 65 MPH speed limit.

5. **QUESTION: If speed-related accidents are only a small proportion of all fatal accidents, what are the principal causes of accidents on 65 MPH highways?**

RESPONSE: Driving Under the Influence (DUI), improper turning, and unsafe lane changes are the most common causes of fatal accidents on these highways. Of these, DUI surprisingly is the most common, which is another good reason why we should be concentrating more on violations other than speeding.

From the CHP perspective, DUI is one of the most critical problems we face. It is involved in the majority of fatal accidents Statewide and is the primary cause of about 35 percent of these. Although the CHP arrests more DUI offenders (140,000) than any other local or state agency in the nation, the DUI problem has not been solved. We believe additional progress is possible and would be willing to trade some of our one million speeding citations each year for additional DUI enforcement. In our opinion this would better serve public safety.

6. **QUESTION: Has the 65 limit affected truck speed enforcement?**

RESPONSE: In California we have a dual speed limit (65 autos/ 55 trucks). Trucks are restricted to the right-hand lanes and are limited to a maximum of 55 MPH everywhere. This seems to be working very well in California's 65 zones because our truck enforcement efforts are more effective now. Our citations to speeding trucks are up about 70 percent on 65 highways and there are some signs that the truck accident rate is improving.

7. **QUESTION: What formulas would you recommend to resolve the state vs. state inequity issues you mentioned?**

RESPONSE: We would like to get current speed data before making any specific recommendations. In our opinion, however, it will be very difficult to resolve all the inequities in the compliance process because all states are different and it will be challenging to devise a nationwide formula that is equitable for everyone.

Ultimately of course, we believe the federal government should remove itself from the speed monitoring and sanction process, and allow the states the flexibility of setting their own safety priorities, including the highest priority being speed enforcement if that state deems it appropriate.

Nevertheless, recognizing Congress may wish to take an interim step, California generally supports a compliance formula which more heavily weighs the more severe speeding violations, in combination with a safety incentive plan which recognizes a state's efforts to improve safety.

8. **QUESTION: Would you oppose legislation that eliminated the national compliance requirement?**

RESPONSE: Definitely not. It will be very difficult to devise a nationwide standard that is equitable and consistent with good safety and enforcement principles. It may well be that safety would be best served by the elimination of this requirement because states have a better sense of their own appropriate safety priorities.

9. **QUESTION: Is there a way to resolve all the inequities in the monitoring/compliance process?**

RESPONSE: If a compliance requirement is necessary, our first choice would be a safety-based incentive process that encourages further safety improvements, rather than a punitive sanction process. This may serve to equalize some of the physical (e.g., road type traffic volume) differences that seem to affect specific formulas.

10. **QUESTION: How can half the states be subject to sanctions because of how their monitoring equipment measures speed?**

RESPONSE: Some monitoring equipment considers 56.0 MPH as exceeding 55 MPH whereas other equipment records any speed over 55.01 MPH as exceeding 55. Each one MPH appears to result in a five to six percentage point difference in the adjusted percent exceeding 55 MPH. A little more than half the states are within 5-6% of the current sanction requirement, so this could put them out of compliance if they all had to adjust their speeds because of this factor.

11. **QUESTION: Do you favor a compliance requirement for 65 MPH highways?**

RESPONSE: We would applaud the removal of federal government oversight on both 55 and 65 MPH highways. Although the current lack of a 65 compliance requirement is seen as inequitable to some states, there are a whole range of other inequities in the program that skew a state's reported speed statistics. We do not think an adequate basis exists for sanctioning one state vs another.

12. **QUESTION: Can you explain a little more about the safety incentive plan and how it would work?**

RESPONSE: First, Congress would approve a basic formula, which would hopefully weigh higher-speed violations more heavily and resolve as many inequities as possible. Then, a state's effort to improve highway safety would result in points being subtracted from their base score. For example, 50 points each could be subtracted for a mileage death rate which improved over the previous year, or was lower than the national average; or points could be subtracted if the state had a mandatory seat belt statute; or an aggressive DUI enforcement program. There are any number of criteria which could be developed to implement such a program. The emphasizes however, would be safety and lives saved, rather than strictly compliance with the NMSL, regardless of a state's safety record or efforts.

TESTIMONY PREPARED FOR THE SENATE SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Subject: National Maximum Speed
Limit Compliance System

Prepared by: James J. Baxter, President
Citizens for Rational Traffic Laws, Inc.
Dane, WI 53529

February 25, 1988

Citizens for Rational Traffic Laws, Inc. has consistently advocated the repeal of the National Maximum Speed Limit. One of our primary concerns has been and is the compliance system that was put in place to coerce state enforcement of the NMSL. Ultimately it is our members and not the respective states that suffer the abuses and irrationality of this system. It is they who are ticketed, fined, and inconvenienced when the states initiate enforcement crackdowns in their attempt to remain in compliance with NMSL requirements. It is they who have their insurance premiums arbitrarily increased because they were arrested for doing what 80% of their fellow motorists were doing on the same day, perhaps on the same highway. It is they who may sit for hours in a disabled vehicle waiting for help because all available patrol cars are being used someplace else on a large scale speed enforcement campaign.

Speed enforcement for the sake of meeting compliance requirements has absolutely nothing to do with highway safety. We believe a very solid argument can be made that these enforcement binges are in fact counterproductive in terms of highway safety, officer/citizen relationships and optimizing the use of enforcement resources. Unfortunately, the NMSL compliance system is much more pervasive than just resulting in misdirected enforcement efforts and motorist abuse.

Because the 55mph NMSL is universally ignored the states have been forced to engage in a variety of charades to pretend that there is compliance with this unpopular law. The strategies take different forms but with few exceptions the various deceptions take place with the full knowledge and tacit approval of the federal agencies responsible for overseeing the compliance system.

The first line of defense used by the states and approved by the US Department of Transportation, to prevent financial sanctions is the use of speed monitoring "adjustments." These adjustments are based on the unlikely premise that automobile speedometers, speed monitoring locations, and speed monitoring devices all are in error. It is assumed speedometers read slower than the actual speed the vehicle is traveling; all monitoring stations are located in such a manner that faster traffic is over represented in the final totals; and, all speed monitoring devices overestimate the actual speeds of vehicles passing over them. This is, of course, ludicrous on all counts. However, by applying the full battery of adjustments an individual state can reduce its percentage of noncompliance from 68% exceeding 55mph to an acceptable 49.9% exceeding 55mph, thus avoiding financial sanctions.

As has been evidenced in recent years the use of adjustments has not proven sufficient to protect several states from the potential application of financial sanctions. (It has been mentioned before but it's an interesting irony that funds that directly or indirectly improve highway safety are withheld in the name of highway safety?) Consequently a host of new strategies have been developed to further distort the validity of NMSL compliance reports. These include:

-Intensified enforcement in the vicinity of speed monitoring devices.

-Intensified enforcement during time frames when speeds are specifically being monitored for quarterly compliance reports.

-Rolling roadblocks.

-Relocation of monitoring stations to congested highways.

-Relocation of monitoring stations to highways where physical-environmental restraints make it virtually impossible to drive in excess of 55mph.

-Raising the speed limit to 55mph on highways incapable of handling higher speeds and then placing a speed monitoring device on that highway.

It's another irony that the compliance system has always been biased against states with lower speed limits on their secondary highways. The current controversy concerning the states that have retained the 55mph speed limit is just another manifestation of this bias.

When all secondary roads are posted at 54mph or less they are no longer included in the compliance system. This leaves only the limited access divided highways with the 55mph speed limit. It is common knowledge that 70 to 90 percent of the traffic exceeds 55mph on these highways. Consequently states with only their Interstate quality roads posted at 55mph find it almost impossible to remain in compliance with the NMSL.

In total the NMSL compliance system has resulted in distorted and counterproductive enforcement campaigns, citizen animosity, wasted enforcement resources, misleading statistical information, perverted traffic regulations, and deceptive practices on the part of regulatory agencies. Its direct and indirect impact on motorists' driving practices has been negligible to non-existent.

There are two reasons why the compliance system has so totally failed in concept and practice. The first is that the law (The 55mph NMSL) it was designed to underpin is contrary to proven and accepted traffic regulation practices. Speed limits must reflect sound engineering considerations and public consensus if there is to be widespread compliance. The 55mph NMSL meets neither of these requirements.

The second and major reason for the failure of the compliance system is that it represents the focal point of a federal effort to usurp a legitimate state function: the establishment of speed limits that reflect the wishes of the states' citizens. From philosophical and pragmatic perspectives this is a realm of regulation that should be the sole domain of state government.

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March 15, 1988

Senator Patrick Moynihan
Subcommittee on Water Resources,
Transportation, & Infrastructure
Senate Office Building
Washington, DC 20510

Dear Senator Moynihan,

Thank you for your letter of March 7, 1988, requesting further clarification on the issue of the 55mph NMSL compliance system. I have attempted to answer each of Senator Burdick's questions in the order they were presented. Please call or write if there is a need to elaborate further on any of these issues.

> I. "Those who favor higher speed limits say Interstates are built to the highest design standards and for faster speeds. Are circumstances different with an aging Interstate and a more varied vehicle mix that includes, for example, smaller cars and larger trucks? Are driving conditions as ideal and safe as they once were on the Interstate?"

There is little question that segments of the Interstate system are aged and deteriorated. However, it is forgotten that much of the Interstate system has been renovated and improved over recent years. Significant improvements have been made in pavement design, barrier padding, roadside obstruction removal, and signing. More recent additions to the Interstate system reflect the knowledge that has been gained over thirty years with the design and construction of modern limited access divided highways.

Perhaps of equal or greater importance is the continual improvement in the design and manufacturer of motor vehicles. The vehicles of the 1950's for which the original Interstate system was designed are technologically inferior in every respect to the modern automobile. Radial tires, disc brakes, advanced suspension systems, better aerodynamics, superior lighting and a host of other less prominent advances have all contributed to the development of vehicles that are extremely safe, even when operated in a high speed highway environment.

The often mentioned concern over vehicle mix as it relates to large trucks and smaller automobiles ignores certain basic facts about our Interstate highway system. First, is the fact that most Interstate accidents do not involve small automobiles colliding with large trucks. This is neither common nor is it related in any way to speed limit considerations. Most serious Interstate accidents are either single vehicle or automobile colliding with another automobile. During recent discussions between State of Arizona Transportation officials and US D.O.T. representatives, regarding compliance problems, it was stated that over 60% of Arizona's rural highway accidents involved drivers either falling asleep or simply leaving the road in a single vehicle accident. Second, the practical differences between a 2,000 pound automobile colliding with a 60,000 pound truck and a 4,000 pound automobile colliding with a 50,000 pound truck are of absolutely no consequence. In either case the automobile would suffer devastating damage. The only real answer is to avoid the collision in the first place.

While congestion has increased on Interstates the combined improvements in vehicle design and highway configuration should more than compensate for the perceived aging of some segments of the system.

2. "Do you believe that incentives might be as effective as sanctions in getting States to comply with 55?"

No, neither incentives nor sanctions will improve compliance with 55. The problem is not whether or not the States wish to comply with 55. The problem is that the citizens do not wish to comply with 55.

Federal highway funds should be returned to the respective states in as efficient and fair and equitable manner as possible. Favoring one state over another because of a willingness to adopt various regulatory or enforcement strategies will not change the average drivers attitude toward an unrealistic speed limit. If the drivers will not comply it is impossible for the state to comply.

3. "What is your view of Senator Heinz's bill, S.2041, that would extend compliance requirements to roads posted at 65?"

Senator Heinz's bill does little more than perpetuate an undesirable and unnecessary infringement on state policy makers. The whole concept of "sharing the misery" has no relevance to improving highway safety or meeting the needs and demands of the motoring public.

Extending the compliance system to highways posted at 65mph will not bring about greater compliance on those highways nor will it improve compliance on those highways posted at 55mph. It must be asked at some juncture "what purpose does this compliance system serve?" I seriously doubt that there is a valid answer.

4. "Have you reviewed the NHTSA report, "Fatalities on Rural Interstates," issued last December? What is your view of their findings?"

Our views have been published and presented in a number of forms. This study was badly flawed in several respects. Many of the fatalities reported to have occurred on highways posted at 65mph actually occurred on highways posted at 55mph. No attempt was made to ascertain the number of fatalities that were actually caused by exceeding the speed limit. Fatalities that occurred on exit and entrance ramps were not separated from fatalities that occurred in a situation where the speed limit might have had some bearing. No reference was made to increased travel or diversion of travel from other highway systems to the rural Interstate system. And, greater emphasis should have been placed on the fact that these small numbers for such a short period of time have absolutely no statistical relevance.

More specifically two of the large "65" states, California and Texas, did not have their highways posted at 65mph for one third of the reporting time. Furthermore, California has never posted all of its rural Interstates at 65mph. Nevertheless, all rural Interstate fatalities occurring in California and Texas for the entire three month period of time were assigned to 65mph highways. Similar errors to a lesser degree can undoubtedly be found in data from several of the other states.

5. "Should Alaska data have been included in the NHTSA analysis, given that Alaska Interstate routes are so termed for funding eligibility purposes, but are in fact two-lane, uncontrolled access roads?"

If comparisons are to be made between one rural Interstate system namely one posted at 55mph and another rural Interstate system posted at 65mph it is illogical to include over 1000 miles of two lane uncontrolled access roads. In fact it gives every indication of being deliberately deceptive.

Not as obvious as the Alaska situation is the fault in the data where highways with grossly different traffic volumes are being compared against one another. Most of the 65mph rural Interstate system is carrying relatively light traffic loads. A little known but irrefutable fact is that our more heavily travelled Interstates have historically lower fatality rates. Consequently if a comparison is to be made between systems with two different speed limits they should be systems carrying comparable traffic loads. Such was not the case in the NHTSA study. Only 38% of the Interstate system posted at 65mph had average daily traffic counts in excess of 10,000 vehicles. Conversely 80% of the Interstates posted at 55mph had average daily traffic counts in excess of 10,000 vehicles. Plainly stated the comparisons made in the NHTSA report were absent scientific merit.

6. "If the Alaska data is disregarded from the NHTSA report, what do the accident trends show for States that did not go to 65mph as opposed to those that did?"

If fatalities that were incorrectly assigned to 65mph highways were removed and the Alaska data disregarded the resulting conclusion would be that highway fatalities increased at a somewhat higher rate on highways posted at 55mph than those posted at 65mph. Removing Alaska data from the so-called "55" control group would suggest a fatality increase of 42%. A re configuration of the data from the 65mph highways done by the Insurance Institute for Highway Safety indicates a fatality increase of 31%. This obviously suggests a conclusion quite different from that which was presented in late December 1987. However, these numbers have the same statistically failings regardless of how they are interpreted.

> 7. "What is your view of a proposal from the California Highway Patrol to allow a certain number of points to be subtracted from a State's point total based on the State's efforts to make improvements in highway safety with, for example, a mandatory seat belt law or a strong DWI enforcement program?"

As has already been expressed in previous answers we do not support the continuation of a compliance system, regardless of the configuration it may take. If California wishes to institute a mandatory seat belt law or to develop a stronger DWI enforcement program that is certainly its prerogative. However, the relationship to those items and California's determination as to what constitutes the legitimate speed limit are in no way connected or dependent on one another. Such a system is just an exercise in maintaining federal involvement in what has proven to be a legitimate state function.

> 8. "GAO recommends that FHWA examine the feasibility of a weighting scheme that would place greater emphasis on violations taking place on unsafe roads and violations that are more serious. What do you think of that approach?"

The comments we made for question seven also stand for question eight. It should be noted that past efforts to develop a point system that weights violations based on where they occur, i.e. two lane highways versus limited access divided highways, indicated that state compliance problems would simply be shifted from primarily urban densely populated states to rural sparsely populated states. The current system favors states with extensive farm to market highway systems posted at 55mph. A compliance system that shifts emphasis to two lane rural highways would place rural states in the same predicament now faced by the more urban states. (North Dakota seems to be the exception to the rule.)

The GAO recommendations, the California point system. the NHTSA report "Fatalities on Rural Interstates," and the various attempts to justify federal involvement in a legitimate state function all focus back and in some way relate to a relatively small number of Congressman who fail to recognize and acknowledge that the 55mph NMSL is a failed and unworkable concept. If that admission is made the answer and future course of action is crystal clear; repeal the 55mph NMSL in its entirety and return speed limit control to its proper jurisdiction, state government.

Thank you for giving us the opportunity to further explain and clarify our position on this issue.

Sincerely,

James J Baxter

James J. Baxter
President

JJB/cah

Center for Auto Safety

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TESTIMONY OF HENRY M. JASNY
HIGHWAY SAFETY PROJECT
STAFF ATTORNEY

BEFORE THE

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION,
AND INFRASTRUCTURE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ON

SPEED LIMIT OVERSIGHT, COMPLIANCE AND MONITORING

FEBRUARY 25, 1988

Mr. Chairman, in 1978 the Senate Environment and Public Works Committee saw the need for and supported the legislation that enacted speed limit monitoring and compliance sanctions. As was stated in Senate Report 95-833, accompanying the Federal-Aid Highway Act of 1978, "[S]ome states appear lax in their efforts to enforce the law, as indicated by numbers of citations issued and low penalties imposed for violations. To strengthen the Secretary's ability to bring about better enforcement . . . each State must achieve . . . compliance with the speed limit by motor vehicles in the State."

Ten years later we are faced with an even more problematic situation. Some states are still lax in their enforcement of the maximum speed limit to achieve the current 50% compliance level, our highways with the fastest speed limits have been exempted from the statutory monitoring and compliance requirements, and the U.S. Department of Transportation ("DOT") has abdicated its role in bringing about better enforcement. Moreover, although everyone agrees, and the National Academy of Sciences has shown, that wholesale elimination of the 55 MPH speed limit would increase highway fatalities, we no longer have a consensus on maximum speed limits.

These hearings offer the prospect of setting aside differences as to numerical speed limits and refocusing our efforts and attention upon securing highway safety through effective enforcement of the maximum limit, whether it be 55, 60, or 65 MPH, and through a vigorous commitment to Federal oversight by DOT.

CENTER FOR AUTO SAFETY
SENATE ENVIRONMENT AND
PUBLIC WORKS COMMITTEE
FEBRUARY 25, 1988

I. PROGRAM OVERSIGHT BY THE U.S. DEPARTMENT OF TRANSPORTATION

The U.S. Department of Transortation has failed to properly administer the statutory scheme for speed limit compliance that Congress enacted. Congress adopted a carrot and stick approach to secure adequate state enforcement of maximum speed limits; the stick is the apportionment penalty to be imposed in the following fiscal year, the carrot is the return of withheld funds when the state comes into compliance with the law. DOT has undercut both the Congressional intent and the legislative mechanism by tossing aside the financial stick while all but guaranteeing that noncomplying states will receive their Federal apportionments.

DOT Policy of Administrative Delay

In each and every instance of state noncompliance with the statute DOT has taken a wait-and-see approach to the violation. While paying lipservice to the statute and implementing regulations, DOT practice has been to postpone administrative action, for years if necessary, until the noncomplying states can show compliance in a subsequent fiscal year and render penalty determinations moot pursuant to subsection (h) of the statute. This has been accomplished through purposeful and continual delay in making the required compliance determinations. Unfortunately, while DOT fiddles, state violations have become more frequent and lives are being lost on our highways.

DOT administration of the speed limit compliance program has ignored the intent of the statute and the dictates of DOT's own rules and regulations. For example, three states reported violations of the statute for FY 1984, which violations should have been sanctioned by the withholding of Federal funds on October 1, 1985, the start of FY 1986. Although DOT went through the motions, determinations of noncompliance were not made until May, 1986, and then for just two of the three states. DOT regulations then give the Secretary 60 days to impose sanctions, but nothing was done until January 20, 1987, at which time one state was penalized and the other two, having come into compliance during FY 1986, were spared any further proceedings. Thus, final decisions were made in these cases 28 months after the end of the fiscal year in which the violations occurred, 16 months after the penalty should have been imposed, and 4 months after the end of the fiscal year in which the states should have been penalized. This scenario has been repeated by DOT in every instance of noncompliance and, even as we meet here today, DOT is engaging in this wait-and-see approach to its oversight responsibilities with regard to an FY 1986 violation.

These delays have taken place despite the clear meaning of the statutory provisions, despite the requirement that Federal-aid apportionments be issued, and penalties imposed, each October 1, and despite language in the DOT regulations that refer to promptly scheduled meetings, expeditiously convened hearings, and that set specific time limits for the determination procedure. DOT practice renders the statutory scheme a nullity and supplants the will of Congress with the unwillingness of DOT to properly administer the statute.

B) Reservation From Obligation

DOT, in order to rationalize its policy of delay with the clear mandate of the statute, engages in a cynical and possibly illegal procedure to avoid imposing sanctions. DOT calls this bureaucratic artifice "Reservation From Obligation." It is neither permitted by the statute nor authorized by DOT regulations.

Rather than impose a penalty of from 1% to 10% at the outset of the fiscal year, DOT chooses to limit the state's ability to obligate its apportionment of the Federal-aid funds involved (under the Federal-aid Primary, Federal-aid Secondary, and Federal-aid Urban Systems). Thus, the state is told it may only obligate 90% of its apportioned funds until such time as DOT determines the actual penalty. This disingenuous scheme delays any financial burden to the state until the end of the fiscal year, if then, and defers, in DOT's view, the need to determine any penalty until the next fiscal year's compliance data has been submitted. This is done in the hope that the state will be in compliance and no penalty will have to be imposed.

The procedure of reserving from state obligational authority a full 10% of these Federal-aid funds undermines the statutory intent to obtain state compliance and stands common sense on its head. A case in point was Arizona's FY 1984 violation. On the day DOT imposed a 1% retroactive penalty on Arizona for its FY 1984 violation, the Secretary, in fact, also informed the state that it would now be able to obligate the other 9% of the Federal funds previously reserved from obligation. Far from giving the state the impetus to enforce the law, this tactic sends the opposite message to the state.

Reservation from Obligation is a subterfuge that DOT uses in order to insulate the states from the financial stimulus Congress believed necessary to secure improved state enforcement of speed limits. At best, this procedure delays the impact of any sanction; most likely it altogether diffuses the impact.

In this context, sanctions delayed is safety enforcement denied. Since the states know that DOT is reluctant to implement the aspects of the statute requiring sanctions, speed limit enforcement on our nation's highways receives a concomitantly lower priority from the states than it would if the DOT gave teeth to the legislative sanctions. DOT has placed its emphasis on minimizing the possible loss of Federal-aid funds to the states, rather than on maximizing the protection of highway users from injury and death due to excessive speeds as Congress had intended.

D) Congress can take several measures to hasten DOT action:

1. Make compliance data reporting to DOT due 30 days after the end of the fiscal year, with a 15 day extension for good cause shown, rather than the current January 1 date;
2. Specifically repudiate the DOT practice of Reservation From Obligation;
3. Reemphasize the need for DOT to determine compliance and impose sanctions by October 1 of the following fiscal year; and,
4. Raise the minimum penalty to 5% for noncompliance in a second consecutive fiscal year and thereafter.

The call for effective Federal administration of the monitoring and compliance regime, and for the imposition of timely and appropriate sanctions, is not an attempt to punish states. The goal is to attain the responsive enforcement of traffic speed limits that will save lives and make our highways safer. This is the result Congress intended to achieve by enacting compliance sanctions and DOT should not usurp the role of the legislature by its inaction.

II. Monitoring For 60 MPH and 65 MPH Posted Highways

The need for monitoring speed limit compliance on rural Interstates and state tollroads that are posted above 55 MPH is self-evident. It makes no sense to monitor the 55 MPH highways but ignore the need for oversight on some 30.000 miles of highways which are posted at higher speed limits. This lacuna in the monitoring system undermines the efficacy of the statutory scheme and skews the results of the state speed certification data.

The Federal Highway Administration statistics which revealed an increase of over 50% in the total number of deaths on these roads in May, June and July, 1987, as compared to the same months in 1986, is a convincing argument that these roads should be monitored for speed limit compliance. Even at the higher speed limits we can restrict the increase in the number of deaths and serious injuries by assuring that the states adequately enforce those speed limits. Monitoring for compliance is a simple way to save lives on the highways now posted at 60 and 65 MPH. For this reason, the bill introduced by Senator Heinz, S. 2041, for himself and Senators Simon, Pell and Proxmire, has the Center's support as direct and simple means of closing the safety loophole created by last year's speed limit legislation.

The issue of altering the present criteria for speed limit monitoring is complicated and deserves your attention. The currently employed system permits states to place monitors on upgrades and curves traffic speeds are inherently lower than on tangent section of roadway. Furthermore, the present simpified method formula for computing adjustment factors permitted by DOT results in large statistical shifts between unadjusted and adjusted data. This method permits adjusted totals that can be as much as 20 percentage points lower than the unadjusted figure. Congress, the National Academy of Sciences and even agency officials recognize that the present method is a statistical game that employs adjustment factors in order to create the appearance of compliance.

The need for a staightforward, fair and realistic method of computation should be based upon the raw data retrieved by highway monitors, modfied only by appropriate statistical measures required by accepted mathematical procedure. This could then be converted into a point system, such as that proposed by the Transportation Research Board in Special Report 204, which would be weighted to emphasize high-speed violations and speeding on comparatively more hazardous classes of highways. This method of computation would better accommodate state enforcement resources and safety concerns.

In conclusion, the Center urges the Subcommittee to reinvigorate the speed limit monitoring system and to alter the course DOT has set for compliance sanctions in order that these strategies may be translated into increased highway safety.

CENTER FOR AUTO SAFETY
2001 S STREET, NW SUITE 410 WASHINGTON, DC 20009 202•328•7700

April 4, 1988

Sen. Daniel P. Moynihan
Chairman
Subcommittee on Water Resources,
Transportation, & Infrastructure
Committee on Environment and
Public Works
Russell Senate Office Building
Room SR - 464
Washinton, D.C. 20510

Dear Senator Moynihan,

I wish to thank you for extending to the Center for Auto Safety an opportunity to testify before the Subcommittee on Water Resources, Transportation and Infrastructure at the recent hearing on speed limit issues. Written responses to the questions submitted to the Center, susbsequent to the hearing, are enclosed. Please contact me if I can be of any further assistance to the Committee on this matter.

Sincerely,
Henry M Jasny
Henry M. Jasny
Staff Attorney

Enclosure

CENTER FOR AUTO SAFETY

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Response of the Center For Auto Safety
To Questions Submitted By Sen. Burdick

Q-1. The GAO study found no evidence that the current monitoring practices to show compliance correspond to improved highway safety. For example, GAO notes the lack of a relationship between the percentage of traffic exceeding 55 and the fatality rate on rural Interstates. Is it time to revise the compliance formula to make it relate better to safety?

A-1. The compliance program was enacted to improve compliance with the maximum highway speed limit because speeding had become a widespread problem on 55 mph highways. The compliance program was not intended as a comprehensive solution to address all the factors which contribute to the fatality rate on 55 mph highways. Nevertheless, it is time to adjust the speed limit compliance program in order to improve the correlation between the compliance formula and real world safety concerns. At the same time, monitoring practices should be revised to assure that the raw data obtained depicts actual "mid-stream" highway speeds and not diminished speeds ameliorated by intervening roadway factors, i. e., upgrades, high degree curves, traffic control devices, etc.

Q-2. GAO recommends that FHWA examine the feasibility of a weighting scheme that would place greater emphasis on violations taking place on unsafe roads and violations that are more serious. What is your view of that recommendation?

A-2. The Center agrees with the recommendations contained in the Transportation Research Board's Special Report 204 with respect to adopting a weighted formula that emphasizes both the degree of the speeding violation and violations that occur on more dangerous classes of roadways. Such a plan must assign risk in an objective and equitable manner without removing the incentive to enforce moderate infractions on the relatively safer highways.

Q-3. Would you support a change in compliance criteria that gives greater weight to high-speed driving, to violations on less well-designed roads, and to strong enforcement efforts?

A-3. The Center would support a weighted compliance formula that places greater emphasis on more serious speeding violations and all speeding violations on more dangerous classes of roadways. However, a revised formula should not include a credit for "strong enforcement efforts." The compliance provisions of the statute are result oriented and are intended to secure observance of the speed limit. State enforcement efforts, if they are successful, will result in compliance with the percentage or point limit. If those efforts are not successful, the state should not be rewarded for "strong enforcement efforts" that are ineffectual. Moreover, what constitutes "strong enforcement efforts" is a subjective determination; no two state efforts or laws will be alike. The compliance formula should be based solely on objective criteria and measurable data. Other considerations should properly be included in regulatory guidelines for determining the amount of any penalty, not the existence of the state violation.

Q-4. Do you believe that incentives might be as effective as sanctions in getting States to comply with 55?

A-4. Unfortunately, rewards are not an effective means of achieving behavior modification. Although some states might react positively to incentives as a stimulus, those are not the same states that must be induced into compliance by penalties. Furthermore, incentives grants were included in the compliance program as originally enacted by Congress, see 23 U.S.C. Section 154(i)(1978), but were repealed in 1981. Incentives in other past FHWA programs have similarly not proven effective.

Q-5. Some highway officials believe that in sanctioning States and holding back highway funds, the result is less safe roads because funds are then unavailable to make improvements. What is your view?

A-5. The compliance sanctions do not cause less safe roads, they are an inducement to states to improve their efforts to achieve safety through speed limit enforcement. States which are not in compliance have proven unable to control excessive speeds on their 55 mph highways so as to meet even the minimal 50 percent compliance standard of the statute.

In this context, temporary penalties, imposed only until the state complies, reflects a reasoned approach to the problem. Withholding project approval is too severe and taking no action would be irresponsible in light of the grave safety threat to the public that speeding represents. These penalties are exactly the same type utilized throughout the Federal-aid Highway Act to ensure both public safety and the judicious expenditure of tax revenues through Federal-aid programs.

In addition, the statute contains a provision that permits any penalty to be deferred for one year on grounds of hardship, 23 U.S.C. Section 154(g). Presumably, a noncomplying state that could prove that its roads would be rendered less safe due to the loss of funds could obtain such a hardship deferrment.

Lastly, most states do not exhaust their annual obligations at the end of each fiscal year and, for a wide variety of reasons, many states carry over balances from regular Federal-aid programs to succeeding fiscal years.

Q-6. Highway safety is affected by controlling speed, but also other factors such as seat belt use. Should the present speed limit program be expanded to include other factors?

A-6. Absolutely not. Controlling and reducing speeds on our nation's highways is a separate and distinct safety factor and should be considered and enforced on its own merits. We should not minimize the efforts to reduce speeding and speed related risk, deaths, injuries and accidents on the grounds that there are other initiatives that can also save lives. Lumping these factors together accepts a trade-off of more accidents for reduced severity or fatalities. By combining different factors in a single program we will diminish the overall safety benefits attainable.

Q-7. Do you believe the major cause of highway deaths today is unsafe speed, and if so, what information do you have to substantiate that view?

A-7. Excessive speed is clearly one of the significant factors in accident causation. Statistics released by NHTSA revealed dramatic increases in rural-Interstate fatalities for May to July, 1987, as compared to the same months of 1986. NHTSA has confirmed that the increase in fatalities, although not as steep, continued throughout 1987. The Insurance Institute for Highway Safety has compared 1987 fatality totals on rural-Interstates that have been posted at 65 mph with the previous five-year averages on those same roads and also documented the sharp increase due to higher speeds.

Q-8. Many lower, secondary roads are posted at less than 55. If compliance requirements are extended to 65 mph roads, as you suggest, should they also be extended to those roads which are generally recognized to be less safe than Interstates?

A-8. Unfortunately, the design speeds generally accorded secondary (i.e., major and minor collector roads) are often only generally equivalent to or even less than the posted speed limits of these facilities. In addition, a high percentage of drivers will negotiate these roads at speeds generally above both the posted limits and the theoretical design speeds. The net result, given the poor design principles still being used to build and rehabilitate these highways, is the fatality rate for collectors which is often four to eight times per VMT the rate on Interstate highways in the same state. However, volumes on many of these facilities are low, sometimes only 50 vpd or less.

Q-9. If DOT determines that a State is in noncompliance, what in your view does the law permit as a penalty?

A-9. The statute requires the Secretary, by October 1 of the following fiscal year, to reduce the apportionment of a noncomplying state in an amount up to, but no more than, 10 percent of the Federal-aid funds otherwise available to the state for the Federal-aid Primary, Federal-aid Secondary and Federal-aid Urban Systems.

Q-10. Can you quantify how much impact lower speeds, seat belts, the reduction in drunk driving, and stronger enforcement of traffic laws each have had on reducing highway injuries and deaths?

A-10. For lower speeds on Interstates, see the Transportation Research Board study, Special Report 204. No one, including NHTSA, has reliable figures on amelioration of accident experience due to these countermeasures. We only have gross phenomena, from which we infer, without the ability to confirm, that these and other strategies are responsible for accident rate and severity reductions.

Q-11. Please describe the various "adjustment" factors used in speed monitoring. Are they justifiable in your view?

A-11. Speedometer variability, which is a fiction since FHWA's own examination of the topic a few years ago, showed that speedometers erred just as much on the low side as on the high side, thereby offsetting any polluting influence on reported speeds. The other adjustment, apart from "cleansing" statistical manipulations, which are legitimate in order to render data fit for analysis on compliance, is monitoring unit misreadings and malfunctions. Again, a few years ago FHWA examined the claims of a number of states that the monitoring units were inflating the metered speeds of traffic and found that it was not true -- almost all units were functioning properly or with negligible differences in accuracy.

Q-12. According to the most recent data available, three of the States at the low end of the scale in terms of vehicles exceeding the 55 limit are at the top of the list showing rate of highway fatalities. For example, West Virginia reports only 25.5 percent of her drivers exceeding 55, but West Virginia's fatality rate is one of the highest nationally. Please comment.

A-12. This is not just West Virginia Interstate mileage, but all mileage in the state. It is well known -- and can be confirmed by viewing the reported breakdown by systems accident data in FHWA's Highway Statistics -- that West Virginia always has the highest collector and minor arterial fatality rate in the eastern United States. This inflates the accident rate reported overall for the State, even though the percentage of speeding over 55 mph may be one of the lowest. Moreover, despite West Virginia's relatively lower percentage standing in drivers exceeding 55 mph on the Interstates, it has one of the highest fatal accident rates of truck involvements, including a high rate on Interstates. Lastly, West Virginia Interstates have a much greater percentage of moderate grades on its Interstates than any other state in the East, including New Hampshire and Vermont, which helps considerably to hold down travel speeds, particularly for heavier trucks.

Q-13. The California Highway Patrol testimony proposes a substitute approach to the present requirements. It is "that each Governor annually certify that they were enforcing the speed limit to the best of their ability." Please comment.

A-13. Such action would repeal the compliance program and return the situation to the precompliance era and set back highway safety by a decade. This position completely ignores the fact that the inability of the states to control rising speeds was the motivating factor for enactment of the compliance provisions in the first place. With 65 mph speed limits now on a large portion of the nation's Interstate system, it would be irresponsible for the Federal government to relinquish its duty to the public to set minimal national safety standards that protect the public and save lives.

Q-14. What is your view of a proposal from the California Highway Patrol to allow a certain number of points to be subtracted from a State's point total based on the State's efforts to make improvements in highway safety with, for example, a mandatory seat belt law or a strong DWI enforcement program?

A-14. As stated in response to questions 3 and 6, above, we oppose any compliance formula or point system that is not based entirely on objective and measureable raw data. The compliance law permits consideration of other state enforcement efforts in the penalty amount decision, and we would support regulatory guidelines that would specifically state that mandatory seat belt use laws and strong DWI enforcement programs would be included in determining the amount of the penalty to be assessed a noncomplying state. But these other efforts should not be factored into the mathematical calculation that reflects actual highway compliance. Such a proposal results in a trade-off of human life.

Q-15. Taking into consideration the testimony from California and New York, do you agree with their view that if sanctions are retained, they should not undermine safety efforts? Are there better compliance measurements on which the sanction mechanism could be based?

A-15. We think their view is inapposite since no sanctions have been invoked against either state and, if they were, they would without doubt be at the lower end of the penalty range.

A fair and reasonable sanction mechanism could be predicated on a weighted point system, as outlined by the Transporation Research Board study. But this system must be based on actual highway speed raw data, unadjusted by anything other than appropriate statistical "cleansing" manipulatins, which are obtained from objectively placed monitoring equipment.

STATEMENT OF BRIAN O'NEILL

HEARING BEFORE THE COMMITTEE
ON ENVIRONMENT AND PUBLIC WORKS
SUBCOMMITTEE ON WATER RESOURCES,
TRANSPORTATION AND INFRASTRUCTURE

55 AND 65 MPH SPEED LIMITS

FEBRUARY 25, 1988

INSURANCE
INSTITUTE
FOR
HIGHWAY
SAFETY

WATERGATE 600, WASHINGTON, D.C. 20037 (202)333-0770

The Insurance Institute for Highway Safety is a nonprofit research and communications organization, supported by the nation's property and casualty insurers, that identifies and develops ways to reduce motor vehicle crashes and crash losses. I'm the Institute's president and, at this subcommittee's request, I'm submitting for the record information from the Institute on the effects of 65 mph speed limits.

Last year, when Congress was considering whether to allow state legislators to raise speed limits to 65 on rural interstate highways, key issues of debate included whether motorists would drive faster because of higher speed limits and whether highway deaths and injuries would increase. These are still the key issues one year later. The difference is, we now have a great deal more information relevant to the debate. We have enough information, in fact, so that we can begin now to detect what the effects of 65 mph speed limits really are.

And the effects we are detecting are disturbing: Speeds have escalated on roads with higher speed limits. They're escalating well beyond 65 mph. And highway deaths are going up, too, right along with travel speeds.

Disturbing as these trends are, they aren't surprising. The national maximum speed limit of 55 mph was often exceeded, as its critics pointed out, but it did succeed quite well in holding the majority of motorists below 65 mph. Now that the legal limit is 65, a similar trend is emerging. Many motorists are exceeding the new, higher speed limit. More and more of them are going 70 or 75 mph. So we haven't suddenly become a nation of law abiders now that the speed limit is 65 on many roads instead of 55. Motorists are still speeding and, because travel speeds are faster, more people are dying in highway crashes.

Deaths on the Increase

New federal data support this. In 22 states where speed limits were raised from 55 to 65 mph last year, deaths on rural interstates during May-July jumped dramatically, increasing 31 percent compared to the average for the same months in the previous five years. The chart over here (Figure 1) clearly indicates this increase, which is much greater than can be explained by normal year-to-year fluctuations. It's an even more striking increase when you realize that, on roads other than rural interstates, deaths actually decreased seven percent.

It didn't take a crystal ball to predict that additional deaths would follow from higher speed limits -- it was bound to happen -- but the extent of the increase in deaths is alarming. This is why, if I can get only one point across at this hearing, I hope it will be a lasting impression of the dramatic red line increase you see on the chart over here (Figure 1). It's an increase that neither Congress nor American motorists should be willing to tolerate just in order to get from one place to another a few minutes faster.

Speeds Increasing

Solid evidence of increasing travel speeds with 65 mph speed limits comes from New Mexico, the first state to adopt 65. A week after the limits were raised, our studies indicated that only five percent of the passenger cars on New Mexico's rural interstates were exceeding 70 mph. By August 1987, 10 percent were exceeding 70. And, as late as December, speeds were still escalating -- 23 percent of the passenger cars were exceeding 70 mph.

What these percentages mean -- and what you can see very clearly from the chart with the green bars on your right (Figure 2) -- is that the proportion of passenger cars exceeding 70 mph on rural interstates in New Mexico has doubled since August and more than quadrupled since last April, when speed limits were raised.

We're finding a similar pattern in South Carolina, where speed limits on rural interstates were raised to 65 mph last July. You can see on another chart (Figure 3) that the percent of vehicles exceeding 70 mph in South Carolina was twice as high in January as it was before July when the speed limit was still 55. Meanwhile, in neighboring Georgia where the limit on rural interstates remained 55 mph until just last week, the proportion of motorists exceeding 70 didn't change much. Now that the speed limit has been raised in Georgia, though, a pattern similar to the one in South Carolina can be expected there, too.

What's already happening in South Carolina, New Mexico, and elsewhere is the direct consequence of raising speed limits. Many motorists will exceed the limit, no matter what it is, so raising it to 65 means that more motorists will go 70 -- or even faster -- unless enforcement becomes much more effective.

These increasing speeds we're observing on rural interstates discredit one of the favorite arguments of those who favor higher speed limits. Many interstate highways have design speeds of 70 mph, proponents of speed argue, so why shouldn't speed limits be 70, too? The fact is, the design speed of any road is the maximum safe speed that can be maintained under the most favorable conditions. It's not the recommended speed. It's the speed that shouldn't ever be exceeded. On rural interstates in New Mexico and South Carolina, though, the number of drivers exceeding 70 has increased enormously since these states raised speed limits. This means there have been huge increases in the number of motorists who are traveling faster than is safe under the very best of conditions. And the cause of this escalation in unsafe driving is the adoption of higher speed limits.

What to Expect

Unless something is done to control the very high speeds that are becoming commonplace, there's no reason to expect a turnaround in the rising death toll on rural interstates with 65 mph speed limits. Present enforcement of 65 is clearly not succeeding in controlling excessive speeds. This is not only unfortunate but also goes directly against Congressional expectations.

During U.S. Senate hearings last year, witness after witness favoring higher speed limits testified that enforcement of 55 was lax only because the speed limit was unrealistic. Fifty-five was too slow, these witnesses said, so it was an impossible law to enforce. Sixty-five would be enforced and obeyed, the same parade of officials said, because it would be a fair speed limit and because drivers going faster than 65 would be so few that they'd be easy to spot and ticket.

These witnesses made such a strong case that Senator Exon of Nebraska, for one, agreed, saying "the key is enforcement .... I think once the word gets out that you are going to get a ticket at 66 mph on the interstate system in New Mexico or anywhere else, you are going to make sure that most of the travel is at the legal limit." Others in Congress echoed this expectation of tough enforcement and widespread compliance -- but their expectations haven't panned out. Many passenger cars are traveling *way* above the 65 mph legal limit on rural interstates in New Mexico, South Carolina, and elsewhere.

This is one of the key research findings we have today that we didn't have last year: Sixty-five *is* fostering higher speeds. Present enforcement efforts are *not* deterring many motorists from exceeding 70 mph. It may be politically impossible to reinstate lower maximum speed limits, but surely it isn't impossible to establish some requirements for effectively enforcing 65. This is the direction Congress should take now, in an effort to stem the rising number of deaths on rural interstates.

Fig. 1

DEATHS

On Rural Interstates in 22 States Where Speed Limits Were Raised to 65 mph

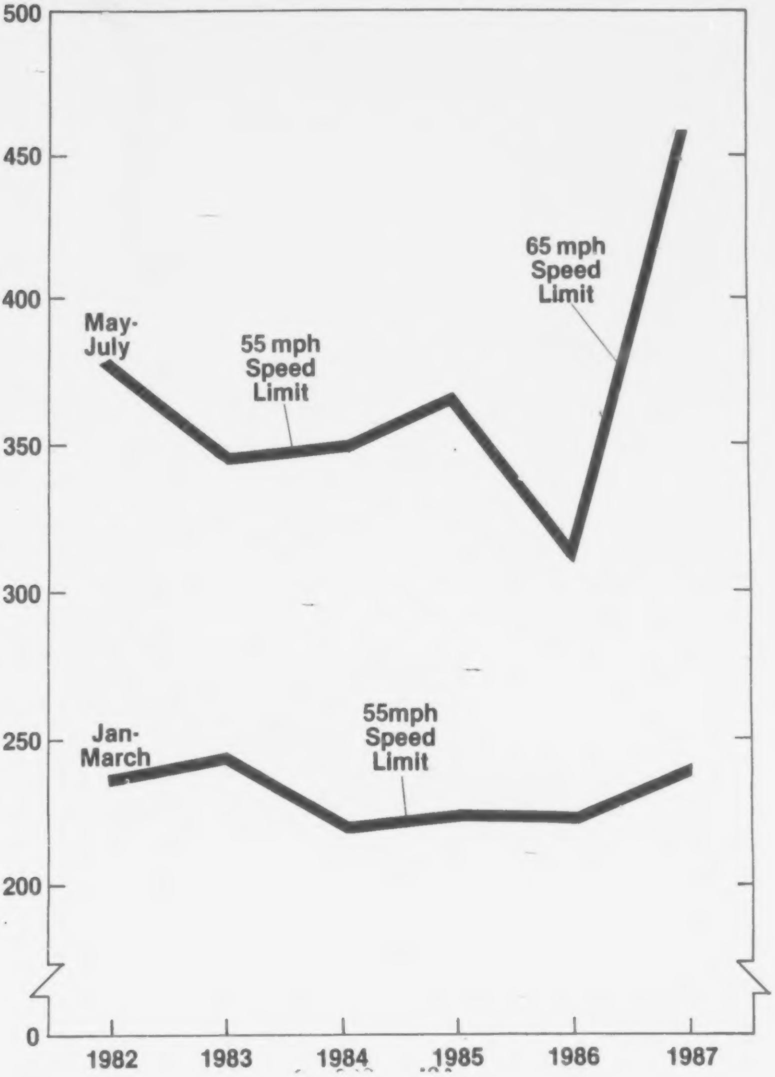


Fig. 2

SPEEDS

Percent of Cars Exceeding 70 mph on Rural Interstates in New Mexico, 1987—65 mph Speed Limit

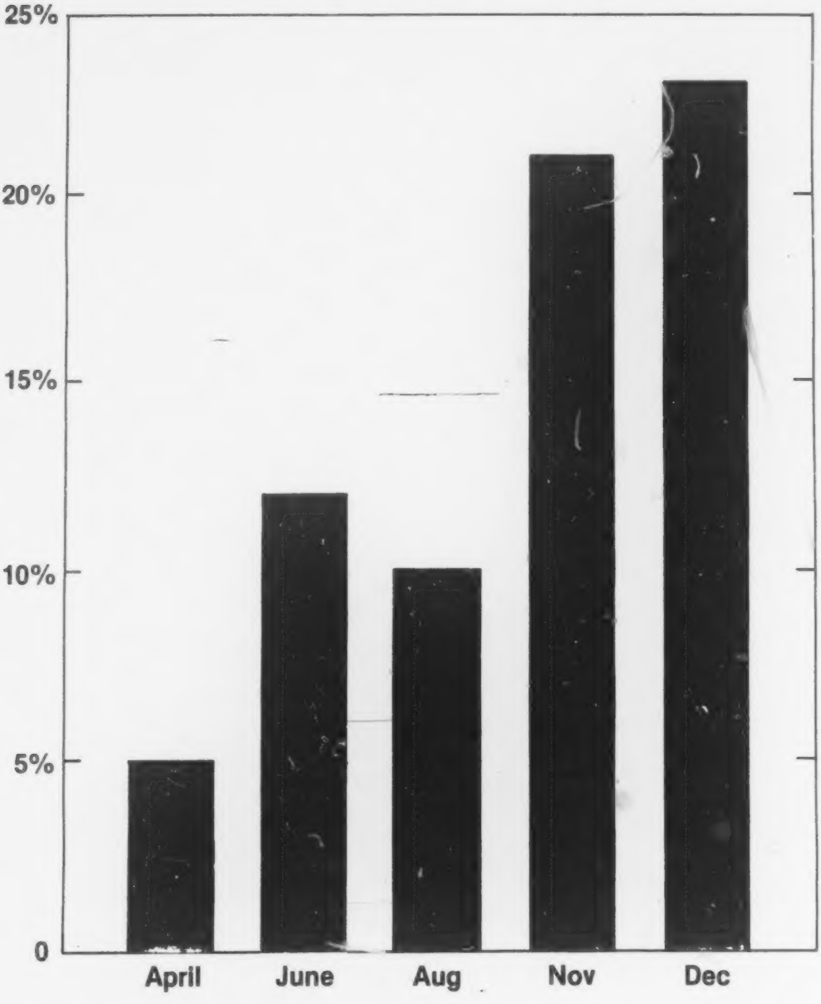
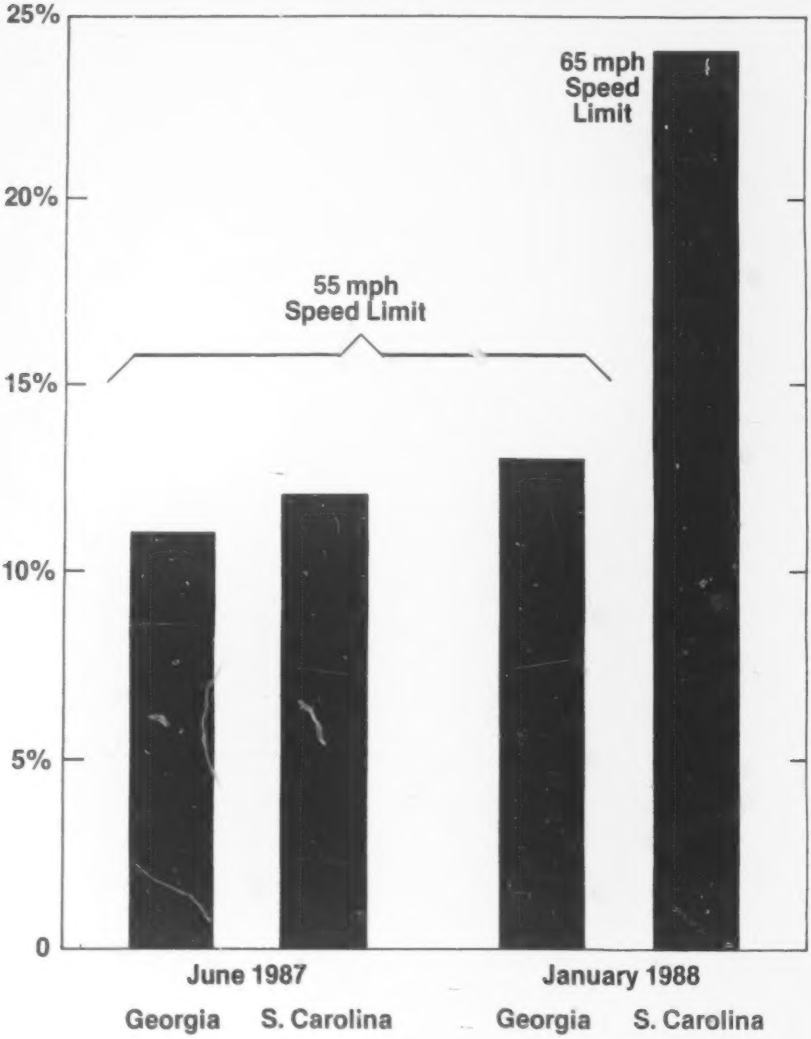


Fig. 3

SPEEDS

Percent of All Vehicles Exceeding 70 mph on Rural Interstates, Daylight Hours



INSURANCE
INSTITUTE
FOR
HIGHWAY
SAFETY

BRIAN O'NEILL
PRESIDENT

April 1, 1988

Senator Daniel P. Moynihan
464 Russell Senate Office Building
Washington, D.C. 20015

Dear Senator Moynihan:

Attached are my answers to the questions from Senator Burdick that were attached to your March 7 letter.

Sincerely,

Brian O'Neill

Enclosures

WATERGATE 600, WASHINGTON, D.C. 20037 (202) 333-0770

Responses to Senator Burdick's Questions

1. Question: The GAO study found no evidence that the current monitoring practices to show compliance correspond to improved highway safety. For example, GAO notes the lack of a relationship between the percentage of traffic exceeding 55 and the fatality rate on rural interstates. Is it time to revise the compliance criteria to make them relate better to safety?

Response: There is no question that revising the compliance criteria to make them relate better to safety is long overdue.

2. Question: Do you believe that incentives might be as effective as sanctions in getting States to comply with 55?

Response: No, I think it is unlikely that incentives would be as effective as sanctions in getting states to control excessive speeds on interstate highways.

3. Question: Would you support a change in compliance criteria that gives greater weight to high-speed driving, to violations on less well-designed roads, and to strong enforcement efforts?

Response: Advocates of returning control of interstate speed limits to the states claim that local officials should establish speed limits in their jurisdictions because highway and traffic conditions ~~vary~~ considerably throughout the country. The fact is, however, that the interstate highway system was built to the same basic design standards everywhere, and these standards were established by the federal government. Most of the rural interstate system was built with a design speed of 70 mph and that is the maximum safe speed for the highway under ideal conditions; it is the speed that should never be exceeded. Because virtually all of the rural interstate system was built to the same design speed, it is not logical to have sanctions based on motorists exceeding posted speed limits that vary from state to state; instead, sanctions should be based on the number of motorists exceeding the highway design speed. For the rural interstates where the maximum safe speed is 70 mph, sanctions should be adopted that encourage states to keep the proportion of motorists exceeding 70 mph as low as possible. As I pointed out in my testimony February 25, posting rural interstates with a 55 mph speed limit is much more effective in this regard than posting a 65 mph speed limit. Under this proposal, states with 65 mph speed limits presumably would have to put more enforcement manpower on those roads to keep speeds below 70 than states keeping the speed limits at 55. Similar sanctions related to the design speeds, not the posted speed limits, should be applied to other highways.

4. Question: Highway safety is affected by controlling speed, but also other factors such as seat belt use. Should the present speed limit program be expanded to include other factors?

Response: It is impossible to completely separate various issues that influence highway safety; however, speed is clearly one of the important factors involved in safety and every effort should be made to limit the top speeds traveled on our highways and this should be done independently of other highway safety efforts.

5. Question: Can you identify how much impact lower speeds, seat belts, the reduction in drunk driving, and stronger enforcement of traffic laws each have on reducing highway injuries and deaths?

Response: There is no question that many different programs including lower speeds, seat belt laws, alcohol impaired driving laws, and so forth can each independently reduce highway crashes and injuries; However, it is inappropriate to consider these various efforts as alternatives or competing with each other since more often than not they complement one another. For example, seat belt laws will produce greater benefits when top travel speeds are controlled because there will be fewer extremely severe crashes where belts are least effective.

6. Question: How reliable are present accident reporting practices in determining the actual cause of an accident? Do accident reports differentiate between speed or alcohol or something else as the specific cause of the death or injury? Are accident reports standardized, or does each State or locality or insurance company have its own report form?

Response: Accident reporting practices are absolutely worthless when it comes to "determining the actual cause of an accident." In fact, it is an oversimplification to think of most individual crashes as having a single "cause." The scientific community long ago abandoned the idea that establishing a single cause for each crash was necessary or even useful. The modern view is that in any individual accident or group of accidents there are many factors that contribute first to the causation of the accident itself and then to the injuries that may occur. Consider the following example: an alcohol-impaired unbelted driver driving in excess of the speed limit on a wet road (where the coeficient of friction is low) loses control at a sharp curve that was inadequately illuminated or signed, hits a roadside object that was just a few feet from the travel rightaway, and is killed. There is no single cause; there are instead many factors contributing to the fatal injuries. Though this may be an extreme example, it should serve to illustrate the point that it is inappropriate to describe any accident or group of accidents as having a single cause.

7. Question: Data from Alaska was included in the December 1987 NHTSA analysis. The Alaska Interstate routes are so termed for funding eligibility purposes, but they are in fact two-lane, uncontrolled access roads. Was it proper to include Alaska data in an analysis of rural interstates?

Response: In the Institute's analyses of the impact of the higher speed limits on rural interstates, we completely discounted the data from states that did not raise the speed limits. There were many reasons for this, including the fact that the states are geographically isolated from most of the states with higher speed limits and therefore provide poor geographic control, which is one of the main reasons for having comparison states in such an analysis. Instead, the Institute relied on a straightforward comparison of the fatality experience in the 22 states with higher speed limits in 1987 with the average of the previous 5 years. This analysis indicated a 31 percent increase in deaths in 1987, which is much higher than could be expected from random year-to-year fluctuations.

8. Question: If the Alaska data is disregarded, what do the accident trends contained in the NHTSA report show for States that did not go to 65 mph as opposed to those that did?

Response: See answer to 7 above.

9. Question: Do you think NHTSA will be able to produce a meaningful analysis by March 15 on the impacts of the increase in the speed limit to 65 mph.

Response: Soon after NHTSA has complete fatality results for the calendar year 1987, it should be able to produce a reasonably reliable assessment of the impact of 65 mph speed limits on fatalities.

10. Question: What is your view of a proposal from the California Highway Patrol to allow a certain number of points to be subtracted from a State's point total based on the State's efforts to make improvements in highway safety with, for example, a mandatory seat belt law or a strong DWI enforcement program?

Response: There are obviously many alternatives available for assessing the efforts a state is making in trying to reduce highway deaths and injuries; however, I believe that any such assessment should be based on results rather than simply the efforts. For example, many states have seat belt laws, but some, because of the type of law and the level of enforcement, are having much more of an impact than others. Clearly, there are still many issues where states' prerogatives and rights should continue to prevail; however, in the area of travel speeds on highways built and maintained largely with federal tax monies, it seems reasonable that the federal government should have a role in establishing restrictions on the travel speeds on those highways.

11. Question: The California Highway Patrol testimony proposes a substitute approach to the present requirements. It is "that each Governor annually certify that they were enforcing the speed limit to the best of their ability." Please comment.

Response: Such a certification clearly would be meaningless.

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

OFFICE OF THE COMMISSIONER

STEVE COWPER GOVERNOR

P.O. BOX Z
JUNEAU, ALASKA 99811-2500
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March 3, 1988

The Honorable Daniel Patrick Moynihan
Chairman
Senate Subcommittee on Water Resources,
  Transportation, and Infrastructure
SD-458 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Mr. Chairman:

This letter is intended as written testimony for the hearing you have scheduled for February 25, 1988 concerning the monitoring of compliance with the National Maximum Speed Limit (NMSL). At the outset, let me preface my remarks on the issue by saying that we would much prefer that all sanctioning mechanisms for compliance with NMSL be repealed. We are of the opinion that the compliance procedures have proven unworkable and ineffective at best. While we support the attempt to provide the traveling public with a safe highway system, and believe that a speed limit is an important component, we do not believe the federal government is in the best position to impliment speed limits or monitor compliance. Recent proposed modifications to the current compliance procedures threaten to make the process even more inequitable and inappropriate.

While Alaska has never been judged out of compliance with the NMSL, we were very nearly so in the two most recent fiscal years. What is more disturbing, however, is the prospect of new compliance formulas, first proposed in 1987 and again being advanced by California this year, which could rank Alaska far above any other state in noncompliance with the 55 mph NMSL.

The present 55 mph compliance measure is an annual estimate of the percentage of vehicles speeding on 55 mph-posted highways. A value in excess of 50% is ruled out of compliance and the errant state is subject to a sanction of up to ten percent of certain federal aid highway funds. For Alaska, in 1987, the sanction could have topped $11 million.

While uncomplicated, the current compliance measure is blind to actual vehicle speeds above 55 mph, and it ignores the changed consequences of high speed driving on different highway functional classes. In 1987, the so-called HR-2 formula was proposed to take account of these factors. Percentages of vehicles travelling 56-60 mph, 61-65 mph, and over 65 mph would be multiplied by 1, 5, and 10 for interstate, freeway, or expressway traffic; and by 2, 20, and 40 for traffic on other highway functional classes. California now advocates reducing the multipliers to 2, 10, and 20 for other functional classes (other principal arterials and collectors). A third alternative proposed by staff of the National Highway Transportation Safety Agency (NHTSA) would use multipliers of 1, 1, and 10 for all highway functional classes.

Both the original HR-2 and derivative formulas are inequitable for states such as Alaska because the magnitude of the result is strongly dependent on how much travel on 55 mph highways occurs on interstate, freeways or expressways. Point multipliers for 55 mph arterials and collectors are from two to four times higher. In the HR-2 alternative recommended by California, the arterial/collectors point multipliers are all twice as large as those for interstate freeways or expressways. This creates a serious problem for states such as Alaska since, in Alaska's case, 100% of our highways subject to the compliance penalties fall within the category of highways which would be subject to the multiplier factors. To say it another way, for the purposes of this program, we have no highways which are considered interstate highways, freeways or expressways therefore all of our compliance statistics would be multiplied by the proposed multipliers.

This is true even though fatal highway accident rates in Alaska have been declining since 1983, and in 1986 dropped to 1.9 fatal accidents per 100 million vehicle-miles. The U.S. average rate was 2.2. From a national perspective, it is evident that neither the HR-2 formula nor its alternative are of use in identifying states with poor traffic safety records.

The State of Alaska looks forward to working with the Committee and other interested parties on ways to reduce highway accidents and fatalities. Thank you for this opportunity to present our views.

Sincerely,

Mark S. Hickey jwk

Mark S. Hickey
Commissioner

cc: Senator Ted Stevens
Senator Frank Murkowski
Congressman Don Young
John Katz, Director of State/Federal Relations and Special Counsel to the Governor
Ray Price, Special Staff Assistant, Office of the Governor
Ron Lind, Director, Plans, Programs, & Budget, DOT&PF
Clyde Stoltzfus, Special Assistant for External Affairs

A STATEMENT ON THE NATIONAL MAXIMUM SPEED LIMIT
BY THE STATE OF IDAHO TRANSPORTATION DEPARTMENT
TO THE SUBCOMMITTEE ON WATER, TRANSPORTATION AND INFRASTRUCTURE,
OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
UNITED STATES SENATE

February 1988

Idaho opposes the application of federal speed monitoring and sanction penalty provisions to the rural interstates designated for maximum 65 mph speed limit. Idaho is successfully enforcing the 65 mph speed limit without additional federal intervention.

Imposition of federal speed monitoring and provisions for sanction penalty on states with 65 mph limit would not help those states that have problems with 55 mph compliance.

With regard to the 55 mph national speed limit, a state's Federal-aid apportionments of primary, secondary and urban highway funds can be reduced by 10 percent for non-compliance of the 55 mph speed limits as determined by the speed monitoring program. The Idaho Transportation Department views such penalty sanctions as unreasonable, unnecessary and inequitable, particularly since so many diverse natural and traffic conditions exist among the various states.

The concept of a federal speed limit is inherently flawed because of the extreme variance in conditions nationally. In the western states, the public does not support congressionally-imposed artificial speed limits because such limits are irrelevant to actual traffic safety and travel conditions. Congress is too remote from the actual state conditions which have such a broad spectrum of diversity.

State legislatures, being close to actual conditions, and having at hand the expertise of their state transportation departments, can make the most accurate legislative determinations concerning speed limits on state highways and public roads.

The State of Idaho Transportation Department firmly believes that the enforcement of speed limits is the responsibility of the states and the setting of those speed limits should be the responsibility of the individual states. Therefore, we petition Congress to repeal the National Maximum Speed Limit, as mandated in 23 U.S.C. 154, and recognize the states' pre-eminent rights in this issue by returning to their legislatures the authority to establish speed limits.

Kermit Kiebert
Director
Idaho Transportation Department

ssk/statesusp45

STATE OF VERMONT
AGENCY OF TRANSPORTATION
133 State Street, Administration Building
Montpelier, Vermont 05602

March 8, 1988

The Honorable Daniel Patrick Moynihan, Chairman
Subcommittee on Water Resources, Transportation,
and Infrastructure of the Committee on
Environment and Public Works
Senate Hart Office Building, Room 508
Washington, DC 20510-6175

Subject: 55 MPH National Maximum Speed Limit

Dear Senator Moynihan:

I understand that Walter R. Hjelle, Commissioner of the North Dakota State Highway Department, recently testified before your Subcommittee in opposition to the 55 MPH National Maximum Speed Limits (NMSL).

I was unable to attend the recent hearing. However, I wish to inform the Subcommittee that the Vermont Agency of Transportation, on behalf of the State of Vermont, is in full support of the positions presented by Commissioner Hjelle in his letter to J.E. Smith, Commissioner of the California Highway Patrol dated February 12, 1988 (copy enclosed).

Specifically, Vermont favors:

1. Repeal of the sanction mechanism in the NMSL;

2. Repeal of the NMSL itself; and

3. A return to the right of each State to set all of the speed limits on its highways.

The Honorable Daniel Patrick Moynihan, Chairman
Page 2
March 8, 1988

I believe Vermont is one of only three states (Maryland and Arizona being the others) that have endured the costly, lengthy, and resource consuming sanction process under the NMSL.

I have enclosed only three of the submissions Vermont made to U.S. D.O.T. commencing in March, 1985 as the result of noncompliance with the NMSL for FY 1984. These documents will give some idea of the time and effort wasted in order to contest counterproductive sanctions pursuant to the unenforceable NMSL. Included are:

1) the Brief of State of Vermont,

2) Hardship Memorandum, and

3) Responses to Information Request, Order of Administrative Law Judge, Motion To Dismiss, and backup information.

Just one example included in the enclosed documents will be sufficient. The public policy perversions of sanctions against Vermont under the NMSL is evidenced by two simple facts. First, the 55 MPH speed limit is applicable virtually only on Interstate quality roads, the safest in the State both statistically and as the result of design. Second, in the event of sanctions, the money withheld is from the Federal program for primary and secondary roads, which are less safe both statistically and as the result of design. In other words, Vermont's inability to limit those violating the NMSL on its safest roads, those designed for safe speeds of 70 MPH, can result in the loss of Federal funds necessary to improve the safety of its most dangerous Federal aid highways. This system turns the very idea of reasoned public policy on its head.

Vermont's Agency of Transportation stands ready to assist the Subcommittee in bringing about reform, preferably, repeal of the NMSL and a return to reason in this area of National policy.

Very truly yours,

Susan C. Crampton
Secretary

cc: Walter R. Hjelle (with enclosures)

NOTE: The material attached to this letter has been retained in committee files.

NORTH DAKOTA STATE HIGHWAY DEPARTMENT

600 East Boulevard Avenue
Bismarck, North Dakota
58505-0700

NORTH DAKOTA CENTENNIAL

George A. Sinner, Governor
Walter R. Hjelle, Commissioner
Ray Zink, Chief Engineer

February 12, 1988

J. E. Smith, Commissioner
Department of California Highway Patrol
P. O. Box 942898
Sacramento, CA 94298-0001

Dear Mr. Smith:

After careful study of your working paper on Maximum Speed Limit Compliance Formulas, we in North Dakota have arrived at several conclusive recommendations.

These United States comprise a vast area. There are so many different driving conditions as one crosses this country that a 55 mph national speed limit is not realistic. North Dakota wants total repeal of the 55 mph national maximum speed limit. We'd like to go one step further and see the federal government back out of the speed limit issue altogether. Let each state decide its own speed limit as we did prior to 1973.

You point out a significant factor when you say the existing compliance formula only considers whether an arbitrarily selected 50 percent of a state's motorists exceed 55 mph. So much of the formula has been arbitrarily set.

Let's put an end to the political maneuverings that accompany any formula. No one formula can possibly be fair to states as disparate as Alaska and California. North Dakota varies from a ranking of four to seven to 25 to 22 depending on which of your four formulas is used. Where do we really stand? The truth must be in there somewhere, but political maneuverings cloud it!

We in North Dakota commissioned a study of alternative formulas for determining compliance with 55 mph. Depending on which of the 18 formulas we developed, North Dakota ranked anywhere from first to 43rd, according to which factors were more heavily weighted. Each formula adversely affects some states -- who should decide who is to be hurt? Let's cut the maneuverings of these formulas and look at the unadjusted data. We are tired of wasting our time and money and federal time and money on political maneuverings.

In North Dakota our adjusted versus non-adjusted figures vary by approximately 20 percentage points each year. The so-called adjustment formulas allow for one of the widest margins of error I've ever heard of, wouldn't you agree? Yet, in the statistics that really matter -- fatalities per miles driven, North Dakota was third lowest in the nation in 1986, and consistently ranks as one of the safest states.

We are tired of sanctions. We are not naughty children who have been caught in the cookie jar once too often. We are responsible citizens looking out for our own best interests. Sanctions take money away from states that need the money for safety measures -- removing roadside obstacles, improving skid resistance, extending sight distance, widening bridges, applying effective edgemarkings to all roads, illuminating signs better, installing crashworthy guardrail. When sanctions are imposed and a state's apportionments are decreased, ultimately it is safety that is being compromised. Cutting federal funds only results in fewer highway improvement projects being made available to those states.

Accidents and fatalities aren't caused by speed limits, but by drivers. Certainly speed is a factor in auto accidents. It isn't, however, the only factor, or even the most important factor. There are several important considerations: alcohol, seatbelts, automobile design, highway conditions, roadside obstacles, emergency medical services.

When North Dakota raised its speed limit on rural Interstate highways to 65 mph last April, there was no accompanying increase in fatalities. In fact we experienced a decrease from 1986. The number of miles driven is increasing every year, yet fatalities are less than half of what they were in 1973. The number of convictions for Driving Under the Influence has dropped in half from what it was in 1983. The average speed driven is up, but it isn't affecting anything.

There is no positive correlation between speed and speed limits and fatality rates. Yes, fatalities dropped by 22 percent in 1974. We all wanted to do our part as conscientious citizens to save energy. But as people realized energy was not the issue, they began to disregard the law. North Dakota witnessed an even bigger decrease in fatalities -- 32 percent in the two year period of 1983 and 1984. Because of the tougher Driving Under the Influence laws our state legislature adopted in 1983 and because of national publicity from groups such as Mothers Against Drunk Driving, fatalities dropped dramatically. Unlike the five-year period following the implementation of 55 mph, fatalities have stayed at a consistently low level the past four years.

The word "safety" has taken on a sacred connotation in the 1980s. Of course, we all believe in safety, but the ultimate safe society eliminates all personal freedoms. We want safe roads -- every state does. Let each state decide what is best for its own people.

North Dakota is a rural state. We have a low population. Our accident rate is always one of the lowest in the country. Once again in 1987, the number of accidents in North Dakota is down by 1,100, at a time when we are being sanctioned for speed. Let's make safety a real factor, not just compliance for the sake of compliance. How to measure compliance should be a moot point -- how to make our highways safer is the overriding question.

During World War II there was a federal maximum speed limit of 35 mph as an energy measure. I'm sure it was also safer than 55 or 65 mph, but was it realistic? Despite the lower speeds, the death rate in 1937 was 15 per 100 million vehicle miles of travel. In 1986 the national fatality rate was 2.46; in North Dakota it was 1.78.

Prior to 1973 there was no federal speed limit. The power to set speed limits was a responsibility of each state. We want a return to that system. Fifty-five miles per hour was first imposed as an energy issue. "The national 55 mph speed limit was first instituted as a temporary conservation measure in response to the severe fuel shortage that occurred in late 1973." (Department of Transportation Speed Monitoring Program Procedural Manual -- first sentence) Energy is no longer an issue. If 55 is being kept because of a safety issue, then shouldn't accidents and fatalities -- the measure of safety -- be the prime consideration?

The question is, how fast is safe? Historically speed limits have been set by the 85th percentile -- the speed at which or below 85 percent of the vehicles are traveling. The 85th percentile is an accepted engineering procedure. The rationale behind it is to set speed limits that one is not purposely making people break. Engineers in the highway departments of each state should be studying the design speed of the road, the sight distance and the 85th percentile of what people are driving to determine an appropriate speed limit for each road. During the past ten years the 85th percentile in North Dakota has consistently been between 60 and 64 mph.

Certainly we need speed enforcement. But it is a responsibility of the states. We need to stress speed enforcement compliance -- at a proper speed determined by the state. Sixty-five miles per hour is easier to enforce; people drive it anyway. Why have 80 to 90 percent noncompliance as we currently do nationwide? Let's make law-abiding citizens out of the average motorist and set a reasonable speed limit.

With the 65 mph speed limit on rural Interstates, we have 85 to 90 percent compliance -- as we had prior to 1973. Removing the overemphasis on speed will allow law enforcement to focus on several issues which endanger lives. Spending millions of dollars on enforcement of an unworkable law is wasting money that could be spent promoting seat belts or educating teens on drunk driving, or improving commercial motor vehicle operator training. Enforcement has an important job to do. They must be on the lookout for excessive speeding, speeds unsafe for conditions, intoxicated drivers, improper lane changes. Let's not undermine their position in the eyes of the motoring public with a law that is being broken by 80 to 90 percent of the drivers.

Incentives are usually a much better way to attain compliance than sanctions. Federal incentives for stricter Driving Under the Influence laws under the 408 program are working well in North Dakota. But beware that the safety-based incentive plan is nothing more than an exchange of a new set of complicated incentives for an old set of complex sanctions in the name of simplification.

Each state legislature cares about its people. It isn't just those in Washington who know what's best for us. North Dakotans want safe highways -- it's our lives on the line. We can have safety and set our own speed limits.

This current system allowing 20 states to try 65 mph on other controlled access highways only serves to heighten the general dissatisfaction with 55 among drivers in the other 30 states.

The General Accounting Office will complete an audit of the 55 mph program this spring. They want new ideas for modifying the compliance process. We have many new ideas.

We favor complete repeal of the sanction mechanism.

We favor repeal of the 55 mph speed limit.

We favor states' rights in the ability to set their own speed limits.

Twelve states have chosen to keep the 55 mph speed limit on their rural Interstates. Let each state decide its own speed limit, just as each state decides how to handle intoxicated drivers on its own. Let each state respond to the majority of its citizens.

During his State of the Union address, President Reagan recently made humorous reference to the thousands of pages of Congressional documents. Let's truly simplify this issue at the federal level, cut these federal speed monitoring requirements altogether, and eliminate a national speed limit.

Congress is waiting to hear the states' views in a committee hearing on February 25. If several states testify in agreement on the removal of a national speed limit, we can have a tremendous impact. Will you join us?

Sincerely yours,

Walter R Hjelle
Walter R. Hjelle
Highway Commissioner

xc: all other states

STATEMENT OF THE AMERICAN INSURANCE ASSOCIATION

ON SPEED LIMIT ISSUES

BEFORE THE

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SUBCOMMITTEE ON WATER RESOURCES,

TRANSPORTATION AND INFRASTRUCTURE

FEBRUARY 25, 1988

American
Insurance
Association

The American Insurance Association is a national
trade organization of casualty insurers.

PROFILE

The American Insurance Association is a full-service trade organization of casualty insurance companies. In its present form, the association combines three earlier organizations. One of those, the former National Board of Fire Underwriters, was organized in 1866, making it one of the oldest trade associations in the nation.

The various departments provide members with up-to-date intelligence on legislative, regulatory, judicial and technical developments relating to our industry. The AIA also maintains liaison with insurance regulators, federal and state lawmakers, other state and federal government officials, insurance and non-insurance industry groups and media—supplying information and assistance on issues of mutual concern.

A countrywide system of regional offices and local legislative counsel ensures prompt and rigorous attention to casualty insurance matters. At the same time, technical specialists from disciplines as diverse as law, economics and engineering educate members and outside publics on developments that may affect the industry and its services to the insurance-buying public.

As a property-casualty insurance trade association whose 188 members write approximately $12.5 billion in private passenger and commercial automobile insurance premiums annually or about 16.73% of all the automobile insurance in the United States, the American Insurance Association (AIA) has a strong humanitarian as well as significant economic interest in reducing traffic accidents. Reduction of these accidents not only means less human suffering, but it is important to controlling the costs underlying the automobile insurance system. Safer vehicles, roadways and driving habits mean reduced losses, which in turn are reflected in insurance rates.

In 1986, private passenger automobile insurance liability losses and related expenses increased 17% over 1985 and another 14% through the third quarter of 1987. Insurers paid out $33,351,000,000 in private passenger automobile liability losses for the twelve months ending in September 1987 (Source: A.M. Best and Company, Oldwick, New Jersey). These figures show the tremendous economic effect that automobile accidents have on our society and underscore the need for the continued improvement of safety on our nation's highways. Further, the cost of each automobile accident will continue to increase because underlying costs relating to health care, settlement of disputes and auto repairs are climbing. To counterbalance these effects, we must all work to significantly reduce highway deaths and injuries. A goal of reducing highway accidents is sound public, economic and insurance policy.

SPEED LIMITS

For these reasons, AIA was proud to join with other members of the insurance, safety and health communities in 1987 in support of retention of the 55 mph speed limit. Research by the Transportation Research Board had indicated that the 55 mph speed limit was estimated to save 2,000 to 4,000 lives per year, a slightly greater number of severe injuries, and between 35,000 and 62,000 lesser injuries per year. In addition, estimated cost reductions to taxpayers for medical and welfare assistance programs were $65 million per year, with an added bonus savings of about 167,000 barrels of oil per day. Our association, therefore, was very disturbed when Congress voted to permit states to raise the maximum speed limit to 65 mph on rural interstates and then subsequently allowed up to twenty states to raise the speed limit on non-interstate rural highways meeting interstate standards, as part of a four year pilot program.

Although it was common knowledge that many motorists were violating the 55 mph speed limit, we feared that this would also be the case for the new 65 mph limit, thus increasing the likelihood for more accidents, deaths and injuries. Preliminary data from the National Highway Traffic Safety Administration, although controversial, indicate that accidents are on the increase on 65 mph highways. And research by the Insurance Institute for Highway Safety shows that speeds are increasing: for example, the percentage of vehicles going faster than 70 mph during daylight hours on rural interstate highways in South Carolina doubled after raising the limit to 65 mph.

Enforcement

With the increase to 65 mph, enforcement of speed limits has become more important than ever. As mentioned above, many drivers are exceeding the new limit just as they did the old, but these new speeds are equal to or greater than the design speeds on many rural interstates. At least with the legal limit at 55, the majority of motorists drove below 65 mph.

To further exacerbate the problem, Federal enforcement sanctions apply to 55 mph roads but not to those with limits of 65 mph. As a result, states today still must present evidence that at least fifty percent of their motorists are obeying the limit on 55 mph highways but no such requirement is in effect for the newly designated 65 mph roadways. Unless this inequity is remedied soon, it is likely to encourage states to raise speed limits to 65 mph simply to avoid the risk of losing Federal highway funds. Initial statistics indicate that this will only result in even more deaths and injuries.

Federal Compliance Process

There also appears to be a strong consensus that the current Federal compliance process for 55 mph highways is flawed. There is no emphasis on higher penalties for higher speeds--for compliance purposes, a person travelling 56 mph is counted the same as one travelling 70 mph. The General Accounting Office concludes that the process "does not correspond with the broader congressional goal of improving highway safety." AIA agrees and strongly encourages the Congress to reassess and to proceed with the goal of making enforcement more equitable for both 55 mph and 65 mph highways while at the same time emphasizing safety.

Radar Detectors

The members of the American Insurance Association are also very concerned about the widespread use of radar detectors by motorists. Unlike citizen band radios, which can have an important communications function in emergency situations, these detectors serve only one purpose--to facilitate violation of the law. Since higher speeds are known to cause more frequent and more serious accidents, our association believes that the use of these dangerous devices that interfere with enforcement of the laws of highway safety should be prohibited.

Recommendations

As a legislative ideal, we at the American Insurance Association would like to see a return to the sound public policy of a national maximum speed limit of 55 mph. Due to the current political climate, however, we realize that it may not be possible to turn these limits back at this time. The Congress and state legislatures have spoken on this issue, but we are convinced that higher speed limits will lead to more accidents, more severe injuries and correspondingly higher insurance prices. Since initial statistics indicate that this is indeed happening and that violations of the new maximum limits are increasing, we urge increased emphasis on enforcement by the states, including a prohibition on the use of radar detectors. We also strongly urge the Congress to reassess the current Federal compliance process with the goal of making it apply equally to both 55 mph and 65 mph highways as well as placing more emphasis on higher speeds.

Before the
UNITED STATES SENATE
SUBCOMMITTEE ON WATER RESOURCES,
TRANSPORTATION AND INFRASTRUCTURE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

MARCH 4, 1988
WASHINGTON, DC

Statement of the
AMERICAN TRUCKING ASSOCIATIONS
On
NATIONAL SPEED LIMIT ISSUES

Introduction

American Trucking Associations (ATA) appreciates this opportunity to submit written comments on national speed limit issues.

ATA is the national trade association of the trucking industry. Through its 51 affiliated trucking associations in every state and the District of Columbia, 10 affiliated conferences, and thousands of individual motor carriers, ATA represents every type and class of motor carrier in the country: for-hire and private; regulated and "exempt."

The trucking industry is composed of more than 260,000 American firms, and accounts for 77 percent of all freight transportation revenues in this country. It employs 7.4 million people and generates annual revenues in excess of $200 billion.

ATA's slogan "Without Trucks, America Stops" aptly describes the essentiality of the trucking industry. The public and the American economy depend heavily on truck transportation to provide the goods, services, and materials that move America. The importance of trucking is also illustrated by the fact that business considers access to trucking to be the second most important factor in deciding where to locate a new plant, ranking only behind the cost of property. It is clear that practical business decisions are made with the confidence that truck transportation will be available when needed.

Safe motor carrier operations make good business sense. To keep our customers satisfied, motor carriers must be able to provide efficient service and to protect shipments from damage caused by accidents. A sound safety program extends the life of the vehicle. It results in improved efficiency and productivity, reduces insurance claims and premiums, saves fuel, and fosters a positive image of the trucking industry. A critical element in the trucking industry safety effort is the 55 mph National Maximum Speed Limit; ATA supports 55. ATA's position has not changed since its Executive Committee expressed unanimous support for the temporary 55 mph national speed limit in 1974 and for the permanent 55 mph National Maximum Speed Limit in 1975. The ATA Executive Committee is composed of representatives of motor carriers with locations in all parts of the country, north, south, east and west. Many companies operate trucks throughout the country.

The 55 mph National Maximum Speed Limit:

- reduces truck-related fatalities and injuries;
- conserves fuel;
- results in less wear and tear on equipment; and
- reduces splash and spray in wet weather.

Reduced Fatalities and Injuries at 55 MPH

The major benefit of the 55 mph limit has been reduction of accidents, fatalities, injuries and accident severity from what they would have been at higher speed limits. The most recent and definitive research concerning the question of changing the 55 mph National Maximum Speed Limit was done by the Transportation Research Board in 1984. Its findings were released in the report "55: A Decade of Experience." The Board's review of the national speed limit was requested by Congress in the Surface Transportation Assistance Act of 1982.

Although the TRB Committee was split on whether the present speed limit should be modified, it did agree on one fact: 55 saves lives and prevents injuries. The Transportation Research Board estimates that as a result of the 55 mph speed limit:

- 2,000 to 4,000 lives were saved in 1983;
- there were 2,000 to 4,500 fewer serious, severe and critical injuries; and,
- there were 34,000 to 61,000 fewer minor to moderate injuries.

As many as four thousand people are alive at this moment who otherwise would have been killed on the highway in 1983 alone.

And approximately the same number of people, according to TRB, were spared serious injury in 1983 because of 55.

The Transportation Research Board says that except for 55 there would have been between 34,000 and 61,000 Americans who would have suffered moderate injuries...but they went through 1983 without a scratch.

A review of the figures published in the Department of Transportation's annual reports, "Accidents of Motor Carriers of Property," clearly shows the safety benefits of 55 to the trucking industry between 1973 and 1985. In that period, fatalities were reduced an average of 13.3% per year (407), and injuries were reduced an average of 19% (6696). ATA believes that in the past 12 years, 4,884 lives have been saved and 80,532 injuries have been prevented in truck accidents as a result of the 55 mph National Speed Limit.

The severity of truck accidents has also been reduced. In 1973, there was one fatality for every 10.1 accidents reported to the Federal Office of Motor Carriers (OMC). In 1985, there was one fatality for every 14.8 accidents; an improvement of 31.8%. In 1973, the ratio of reportable accidents to injuries was 0.88 - more than one injury per accident. By 1985, this ratio had improved by 34.8% to 1.35 accidents per injury.

Fuel Efficiency of Trucks at 55 mph

Motor carrier experience shows that fuel efficiency of trucks is also improved at 55 mph compared with higher speeds. Many trucking companies have run their own tests of fuel efficiency. One large motor carrier achieved fuel savings of 51,000 gallons per month which reduced that company's fuel costs by more than one-half million dollars a year, by running at a limit of 55 instead of at higher speeds.

One of the nation's largest motor-carriers tested fuel efficiency by operating identical units over the same route at different speeds with supervision by law enforcement officials. Fuel efficiency for the vehicle operating at 55 mph was 32 percent better than for the other vehicle which was operated at 65 mph. The company has thousands of vehicles and realizes substantial savings by operating vehicles at 55 mph. Improved fuel efficiency at 55 has also been demonstrated in numerous fuel efficiency tests that have been conducted by the Federal government in cooperation with the trucking industry and others.

For example, tests by the Federal Highway Administration in cooperation with two large motor carriers showed that truck fuel consumption at 60 mph is up to 10 percent greater than at 55 mph.

The National Highway Traffic Safety Administration challenged the trucking industry's independents---those drivers who operate their own trucks---to prove their vehicles could be as fuel efficient at speeds above 55 mph as at 55. Using their own vehicles and setting their own speeds above 55 mph, the independent drivers used more fuel than they did when operating the same vehicles under the same conditions at 55 mph.

Newer trucks are even more fuel efficient at 55 mph than those built in the 1970's and many are geared so that they cannot be operated at higher speeds. For example, one of the nation's largest motor carriers has been purchasing new truck tractors over a period of many years which are capable of a maximum speed of less than 60 mph. Such vehicles are, on average, eight percent more fuel efficient than older trucks which the company operated. For one company, which travels 446,000,000 miles per year, savings are more than five million gallons of fuel annually. Other motor carriers have achieved comparable savings.

Fuel savings and savings in equipment and maintenance costs at 55 have been confirmed by controlled tests conducted under the auspices of The Maintenance Council (TMC) of ATA in the Spring of 1987. The tests were conducted on level segments of Interstate on which the speed limit had recently been increased to 65. A variety of typical trucking industry equipment was used. Test units were loaded to a gross combination weight in the 65,000 pound range. Both tractor-semitrailers and "twin-trailers" were used.

It is important to realize that a 10 mph increase in maximum speed does not translate to a 10 mph increase in average speed. The test program included runs at both 55 and 65. At 55, the average speed was 50.1 mph; at 65, the average speed was 57.1 mph.

It is also significant to note that the disparity between the maximum speed and the average speed increases as the maximum speed increases. With a maximum speed of 55, the difference was 4.9 mph. At a maximum of 65, the difference was 7.9 mph.

The TMC tests confirmed the rule-of-thumb developed in the 1970's - for every 1 mph increase in average speed, there is a 2.2% increase in fuel consumption. In terms of miles-per-gallon, the way most people think of fuel consumption, every 1 mph increase in average speed results in a 0.14 decrease in miles-per-gallon. In a truck fleet with a 6.0 miles-per-gallon average at 55, the fuel consumption rate will drop to 5.02 miles-per-gallon if speed increases to 65.

Reduced Wear and Tear on Equipment at 55 mph

Motor carriers have also realized savings on tires, engines and other components because the wear and tear on equipment is much lower at 55 mph than at higher speeds. Motor carrier equipment and maintenance experts report the life of equipment is increased and the costs of replacement parts and labor for work are reduced significantly by the operation of vehicles at reduced speeds.

A 10 mph increase in maximum speed also translates into higher costs related to the life of engines, tires and brakes. Engine manufacturers estimate a 10-15% decrease in mileage to a major overhaul. Both motor carriers and tire manufacturers estimate decreased tread life of 5-16% at 65 mph. Brake manufacturers estimate a 15% decrease in brake lining life at the higher speed.

Reduced Splash and Spray at 55

In the past, studies have shown that splash and spray from trucks is one of the major irritants for the motoring public. The studies have also shown that the amount of splash and spray is reduced when the speed of trucks is reduced. Therefore, one of the obvious, although unmeasured, safety benefits of the 55 mph limit is the reduction of truck splash and spray from the amounts at higher speed limits.

Compliance with the Speed Limit

It is important to note that to a great extent compliance with any speed limit will only be as good as the law enforcement program that supports it. On many major interstates today with the speed limit at 65, traffic often moves at speeds of 70 and 75.

Unfortunately, drivers develop a false sense of security at higher speeds. In fact, the likelihood of an accident is greater at higher speeds. Driver reaction time is compromised because the vehicle is moving faster and drivers need more time to react to prevent an accident from occurring.

The trucking industry problems of compliance with the speed limit are similar to those of the general motoring public. The majority of the industry speak out and drive in support of the speed limit. Others oppose the limit and will substantially exceed it. Some truck drivers speed to reach a delivery point before its closing time so that they will not have to wait 12 or more hours to make the delivery when the customer reopens. For independents, these delays mean loss of income and possible loss of a return load to another driver. Some drivers will speed for personal reasons, such as the desire to get home in time for a family event or social activity. Other drivers speed just because they like to drive fast. It is the trucking industry view that speeding is not justified for any reason and the fact that there are violations of the speed limit is not justification for raising the limit.

The level of speed shown in the TRB study and observations of truck speeds indicate that the national limit of 55 mph is effective in keeping speeds down, even among violators. Lower speeds mean greater uniformity of traffic flow, a reduction of accident potential and a reduction of severity if an accident occurs.

The extent to which the public is driving close to the speed limit indicates that the safety benefits of 55 mph can be sustained but only if there is not further legislative activity to allow higher speed limits. Decreasing compliance is not justification for increasing the speed limit to 65. Any trend toward increased speeds can be reversed if the Administration and the Congress provide leadership for support of the 55 mph national speed limit. We should not give up on 55.

We are concerned that higher speeds now permitted on some roads will indicate to the public a lack of support for the 55 mph speed limit by national officials and disregard of 55 on other roads is increasing.

Higher speeds allowed on rural Interstate highways with low traffic densities, was soon followed by a move to allow similar speeds on other highways. We urge the Congress not to allow further extensions of the 65 mph speed limit or the adverse impact on safety may be much greater than the 500 additional fatalities, and ten million dollars in additional program costs per year estimated by the Transportation Research Board Committee.

ATA recognizes that there are complaints from the states about inequities in the Federal program for maintaining compliance with the 55 mph national speed limit. Perhaps there should be changes in the system for monitoring and for imposing sanctions on states, but there should not be any further weakening of the 55 mph national speed limit. It has served this nation well in keeping speeds down and saving lives.

Continued Trucking Industry Support for 55 mph

In summary, the trucking industry continues to strongly support the 55 mph speed limit. It has saved lives, reduced injuries and accident costs, improved fuel efficiency, and prevented wear and tear on equipment. Compliance with the 55 mph speed limit reduces the potential for damage to our customers' freight and the delay of shipments. They expect good service and our industry is better able to provide it by travelling at 55 and reducing the potential for accidents.

Many motor carriers have purchased trucks with reduced maximum speeds. They have incurred considerable expense and effort in relocating facilities, and in changing schedules so that trips can be completed in compliance with the 55 mph speed limit and the 10 hour driving limit imposed by the Office of Motor Carriers.

To improve compliance with the 55 mph speed limit, the industry has adopted numerous monitoring, enforcement and incentive programs, as well as educational materials designed to promote driver compliance with the speed limit.

Most of the state trucking associations affiliated with ATA have passed resolutions and adopted programs in support of the 55 mph speed limit.

The trucking industry opposes further change in the national speed limit policy which would necessitate, for competitive reasons, the purchase of new and faster power units at an average cost of $75,000 each, and the uprooting of drivers and their families to new locations as a result of lengthening trips and changing the origin and destination points of drivers.

The trucking industry believes that greater compliance will result from increased enforcement, from industry programs, and from the purchase of more trucks with limited maximum speed capabilities. This potential will be lost if the states are allowed to set speed limits of their own choosing. It will be lost if the Congress fails to show its continuing support for the 55 mph National Maximum Speed Limit.

Conclusion

There are many benefits from the 55 mph speed limit, but the bottom line on this issue is not saving fuel and it is not saving money. It is saving lives.

- On that you put no dollar value.
- On that you make no compromise.
- On that there can be but one issue: you do the right thing.

Any of us who have lost a friend or loved one on our nation's highways know there is but one choice. "55" saves lives...mine, yours, our loved ones. There is no more important argument on either side of this issue and, hopefully, we will not lose sight of that.